

## **BOARD OF COUNTY COMMISSIONERS**

Charles W. Oddo, Chairman  
Randy Ognio, Vice Chair  
David Barlow  
Steve Brown  
Charles D. Rousseau



## **FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Floyd L. Jones, County Clerk  
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## **AGENDA**

November 10, 2016  
7:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.

Call to Order  
Invocation by Vice Chairman Ognio  
Pledge of Allegiance

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

1. Recognition of awardees for the Fayette County Public Arts Committee "2016 Scarecrow Competition". (page 4)
2. Proclamation to honor Mr. Sydney (deceased) and Mrs. Adelaide (Addie) Edwards' family's 178 combined years of military service history. (page 6)
3. Proclamation to honor all Fayette County Veterans. (page 7)
4. Recognition of the graduates of the inaugural Fire & Emergency Services Citizen Fire Academy. (page 8)

### **PUBLIC HEARING:**

### **CONSENT AGENDA:**

5. Approval of the Elections Board's recommendation to reorganize the Elections Office. (page 9)
6. Adoption of the revised Ordinance 2016-20, Article IX. Soil Erosion and Sedimentation Control of the Fayette County Development Regulations as required by the Georgia Environmental Protection Division and Georgia Soil and Water Conservation Commission effective January 1, 2017. (pages 11-37)
7. Approval of staff's recommendation to award request for proposal #1198-P for a High Pressure Pump with tank to HMA Fire, LLC in the amount of \$18,192.10 and to transfer \$2,192.10 from the Fire Contingency account to complete the purchase. (pages 38-43)

8. Approval of staff's recommendation to approve the purchase of a new CAT 12M3 Motorgrader off the Georgia Department of Administrative Services (DOAS) statewide contract for \$232,216.00 from Yancy and staff recommendation to trade-in #81277 (1987 CAT 140G Motorgrader) for the value of \$47,700.00 to Yancy. (pages 44-47)
9. Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a continuing grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the continuing grant award period beginning October 1, 2016 and expiring September 30, 2017, and authorization for the Chairman to sign all grant related documentation. (page 48)
10. Approval of staff's recommendation to award a task order under Contract #1132-B in the amount of \$683,655 to Shockley Plumbing Co. for Castle Lake waterline replacement, to award a task order under Contract #P888 in the amount of \$10,000 to CH2M for plans and contract administration, and to transfer funds from various CIP projects to provide the necessary budget. (pages 49-53)
11. Approval of the October 27, 2016 Board of Commissioners Meeting Minutes. (pages 54-69)

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

12. Consideration of staff's recommendation to approve the Intergovernmental Agreement for the use and distribution of proceeds from the 2017 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects. (pages 70-103)
13. Consideration of the adoption of Ordinance 2016-21 to insert provisions pertaining to definition and to revise provisions pertaining to the operation of a vessel by a minor. (pages 104-111)

Consideration of the approval to present the following Resolutions in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session:

14. Resolution 2016-16; Title Ad Valorem Tax (TAVT) (pages 112-120)
15. Resolution 2016-17; Disabled Veterans Homestead Exemption (pages 121-126)
16. Resolution 2016-18; Fluoride (page 127)
17. Resolution 2016-19; Local Residency Requirement (pages 136-144)

#### **PUBLIC COMMENT:**

#### **ADMINISTRATOR'S REPORTS:**

#### **ATTORNEY'S REPORTS:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Page 4 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of awardees for the Fayette County Public Arts Committee "2016 Scarecrow Competition".

## Background/History/Details:

The Fayette County Public Arts Committee (FCPAC) issued a press release announcing the 3rd Annual Scarecrow Competition. In addition to newspaper coverage, information for the contest was shared direct with municipalities, businesses and citizens encouraging their participation. The competition allows individuals or groups to design and create a Scarecrow. The Scarecrows are constructed in the area surrounding the Heritage Park Fountain and can be enjoyed for several weeks, especially during Fayetteville's Main Street Fall Festival event. This year there were 14 Scarecrows, which were judged by an arts professional from outside the County. All Scarecrows were imaginative in their design, some had specific messages to convey and all were constructed exceptionally well.

1st Place - Fayette County UGA Extension Junior Master Gardeners

2nd Place - City of Tyrone

3rd Place - Girl Scout Troop 15017

Honorable Mention - Sierra Pyron / Gracie's Garden Floral Studio

Honorable Mention - Brenda Ludecke / DB Woodcrafters

Honorable Mention - Steve Brown

## What action are you seeking from the Board of Commissioners?

Recognition of awardees for the Fayette County Public Arts Committee "2016 Scarecrow Competition".

## If this item requires funding, please describe:

The First place winner will receive \$150.00 funded from the Public Art Committee budget.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



## **2016 Scarecrow Competition**

### **Fayette County Public Arts Committee**

	<b>Scarecrow Name</b>	<b>Creator / Contact</b>	<b>Organization / Business</b>
1	Scary-Pillar	Karen McKernan	Fayette County UGA Extension 2016 Junior Master Gardeners
2	St. Patty	Dee Baker / Patty Newland	City of Tyrone
3	Girl Scout Troop 15017	Mary Kiwanuka	
4	Stop & Smell the Roses	Sierra Pyron	Gracie's Garden Floral Studio
5	--	Brenda Ludecke	DB Woodcrafters
6	--	Steve Brown	
7	Once a Girl Scout, Always a Girl Scout	Sierra Pyron	Girl Scout Troop 12202
8	--	Mia George	Girl Scout Troop 15024
9	Ping Squad	Rosha Rackley	Ping House Beauty Bar and Boutique Shoppe
10	Spider Girl	Caitlin Umila	Umila Girls
11	Fluffy	Sarah Munday	Fayette County Sheriff K9 Unit
12	Your Best Friend or Your Worst Enemy	Julienne Kung	
13	Steampunk Scarecrow	Heather Cap	
14	Art is Home in Fayette	Donna Thompson	

# COUNTY AGENDA REQUEST

Page 6 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Proclamation to honor Mr. Sydney (deceased) and Mrs. Adelaide (Addie) Edwards' family's 178 combined years of military service history.

## Background/History/Details:

Mr. Sydney Edwards (deceased) and Mrs. Addie Edwards moved to Fayette County in 1963 and have lived in Fayetteville and Peachtree City during that time.

Sydney Edwards (Dad – Deceased 1988); Rank: Captain (Retired); 20 years of service

Greg Edwards; Rank: Colonel (Retired); 33 years of service (Roughly 28 in the Georgia National Guard)

Fred Edwards; Rank: Lieutenant Colonel (Retired); 22 years of service

Ted Edwards; Rank: Major (Retired); 23 years of service

Kennedy Edwards; Rank: Lieutenant Colonel (Retired); 22 years of service

Sam Edwards (Greg's Oldest Son); Rank: Lieutenant Colonel; 17 years of service

Spencer Edwards (Greg's Second Oldest Son); Rank: Major; 14 years and going

Leah Shubin (Spencer's wife); Rank: Major; 13 years and going

Geoff Edwards (Fred's Oldest Son); Rank: First Lieutenant; 4 years of service

Justin Edwards (Fred's Youngest Son); Rank Staff Sergeant; 10 years of service

## What action are you seeking from the Board of Commissioners?

Proclamation to honor Mr. Sydney (deceased) and Mrs. Adelaide (Addie) Edwards' family's 178 combined years of military service history.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

Page 7 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Proclamation to honor all Fayette County Veterans.

## Background/History/Details:

In November 1919, President Wilson proclaimed November 11 as the first commemoration of Armistice Day.

May 13, 1938, November 11 of each year became a legal holiday and was known as "Armistice Day"

On June 1, 1954, the 83rd Congress amended the Act of 1938, replacing the word "Armistice" with the word "Veterans" to honor American veterans of all wars.

Today Americans everywhere recognize November 11 as Veterans Day and celebrate the men and women who served this country.

## What action are you seeking from the Board of Commissioners?

Proclamation to honor all Fayette County Veterans.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

Page 8 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of the graduates of the inaugural Fire & Emergency Services Citizen Fire Academy.

## Background/History/Details:

Fire & Emergency Services hosted the inaugural Citizen Fire Academy (CFA). This course started on August 23, 2016 and completed on October 25, 2016. Members of the class had the unique opportunity to experience the behind the scenes operations and the training of department members.

Class members received their heart saver CPR certification, were trained in First Aid, taught to use a fire extinguisher, and completed EMA preparedness training. CFA members observed department members performing vehicle extrication with the "Jaws of Life", had a private performance by the "Fire Safety Education Clowns" demonstrating the third grade fire safety program, and learned first hand about thermal imaging cameras and self-contained breathing apparatus.

Members from each shift presented a variety of fire and EMS demonstrations including fire truck and ambulance demonstrations, flowing hose lines for firefighting purposes, ladder truck operations, and a full scale operation demonstrating a house fire response.

This class was attended by 12 members of the community from 6:30 pm to 9:00 pm each evening at the EOC and off-site at various locations.

## What action are you seeking from the Board of Commissioners?

Recognition of graduates on their successful completion of the 10 week Citizen Fire Academy and presentation of certificates to the graduates.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

Fire & Emergency Services will provide certificates and bring them to the meeting.

# COUNTY AGENDA REQUEST

Page 9 of 144

Department: Elections

Presenter(s): Chairman Hicks

Meeting Date: Thursday, November 10, 2016

Type of Request: Consent #5

## Wording for the Agenda:

Approval of the Elections Board's recommendation to reorganize the Elections Office.

## Background/History/Details:

The Elections Board has completed their interview process and has selected a new Elections Supervisor. The proposed departmental reorganization will help improve efficiency and streamline job duties within the elections office. This reorganization creates a new position to be tentatively called Elections Manager which would be filled through the posting process. The number of permanent positions would remain the same as reflected in the attached financial analysis. (Attachment A)

Human Resources will vet the proposed reorganization changes through the Carl Vinson Institute of Government at The University of Georgia to ensure the proper grade and title is assigned to the new position.

## What action are you seeking from the Board of Commissioners?

Approval of the Elections Board's recommendation to reorganize the Elections Office.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval Yes

## Staff Notes:

This request consists of one promotion and one reclassification of an existing position.

## Proposed Elections Reorganization

### Promotion

Job Class Description	Grade	Step	Annual Salary	Grade	Step	Annual Salary	Annual Salary	Percent	Hire Date	Years Svc
Elections Suprvr	819	15	69,833.90	819	1	\$61,722.99	(\$8,110.91)	-11.6%	07/14/2003	13.3
Elections Suprvr	821	1	57,315.93	819	10	\$61,722.99	\$4,407.06	7.7%	09/28/2006	10.1
<b>Subtotal</b>							<b>(\$3,703.85)</b>			

### Reclassification

New-Elections Mgr	Average		35,863.64	815	1	\$40,564.04	\$4,700.41	13.1%	09/28/2006	10.1
<b>Subtotal</b>							<b>\$4,700.41</b>			

**Grand Total                      \$996.56**

# COUNTY DEPARTMENT AGENDA REQUEST

Page 11 of 144

Department: Environmental Management

Presenter(s): Vanessa Birrell

Meeting Date: Thursday, November 10, 2016

Type of Request: Consent #6

## Wording for the Agenda:

Adoption of the revised Ordinance 2016-20, Article IX. Soil Erosion and Sedimentation Control of the Fayette County Development Regulations as required by the Georgia Environmental Protection Division and Georgia Soil and Water Conservation Commission effective January 1, 2017.

## Background/History/Details:

In 1992 the Fayette County Board of Commissioners and the Towaliga Soil and Water Conservation District entered into a Memorandum of Agreement for Fayette County to conduct technical review, approval and enforcement of erosion and sediment control plans in accordance with state standards required by the Erosion and Sedimentation Act of 1975, O.C.G.A. 12-7-1 et seq., as amended.

Proposed revisions to Article IX reflect updates from the state model ordinance that incorporate changes made in 2016 to the above referenced state law. Noted changes to the ordinance include language clarifying final stabilization and design professional. Other housekeeping revisions include grammatical corrections to state-mandated language and changing Stormwater Management Department references to Environmental Management Department.

## What action are you seeking from the Board of Commissioners?

Adoption of the revised Ordinance 2016-20, Article IX. Soil Erosion and Sedimentation Control of the Fayette County Development Regulations as required by the Georgia Environmental Protection Division and Georgia Soil and Water Conservation Commission effective January 1, 2017.

## If this item requires funding, please describe:

Has this issue come before the Commissioners in the past? Yes

If so, when? Friday, January 1, 2010

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

## STAFF USE ONLY

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

Approved by County Clerk Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2016-\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO SOIL EROSION AND SEDIMENTATION CONTROL; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO SOIL EROSION AND SEDIMENTATION CONTROL (ARTICLE IX OF CHAPTER 104), BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting the definitions of “CPESC”, “Design professional”, and “Final stabilization” from Section 104-250, pertaining to “Definitions”, of Division 1 of Article IX of Chapter 104, in their entirety, and by replacing them with the following definitions in Section 104-250 of Division 1 of Article IX of Chapter 104:

*CPESC* means certified professional in erosion and sediment control with current certification by EnviroCert, Inc., that is also referred to as CPESC or CPESC, Inc.



*Design professional* means a professional licensed by the state in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

*Final stabilization* means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

**Section 2.** By deleting the phrase “stormwater management department” as it appears in the following portions of Article IX of Chapter 104, in its entirety, and by replacing it with the phrase “environmental management department” in said portions of Article IX of Chapter 104:

- Subsections (a), (b) and (e), including Paragraphs (1) and (2) of said Subsection (e), of Section 104-305 of Division 4 of Article IX of Chapter 104;
- Subsections (a), (b) and (f) of Section 104-307 of Division 4 of Article IX of

Chapter 104;

- Section 104-333 of Division 5 of Article IX of Chapter 104;
- Section 104-334 of Division 5 of Article IX of Chapter 104;
- Section 104-361 of Division 6 of Article IX of Chapter 104;
- Section 104-362 of Division 6 of Article IX of Chapter 104;
- Section 104-389 of Division 8 of Article IX of Chapter 104; and
- Section 104-390 of Division 8 of Article IX of Chapter 104.

**Section 3.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 4.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 5.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or

unconstitutional.

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS

ARTICLE IX. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

**ARTICLE IX. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE**

[\[3\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - EXEMPTIONS

DIVISION 3. - MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST  
MANAGEMENT PRACTICES

DIVISION 4. - APPLICATION/PERMIT PROCESS

DIVISION 5. - INSPECTION AND ENFORCEMENT

DIVISION 6. - PENALTIES AND INCENTIVES

DIVISION 7. - EDUCATION AND CERTIFICATION

DIVISION 8. - ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

DIVISION 9. - LIABILITY

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FOOTNOTE(S):

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--- (3) ---

**State Law reference**— Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT AND LAND USE  
 Chapter 104 - DEVELOPMENT REGULATIONS  
 ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 104-249. Title.](#)

[Sec. 104-250. Definitions; interpretation.](#)

[Secs. 104-251—104-265. Reserved.](#)

**Sec. 104-249. Title.**

This article will be known as "Fayette County Soil Erosion and Sedimentation Control Ordinance."

(Code 1992, § 8-241; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-250. Definitions; interpretation.**

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

*Best management practices (BMPs)* means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, that are consistent with, and no less stringent than, those practices contained in the Manual For Erosion And Sediment Control in Georgia (manual).

*Board* means the board of natural resources.

*Buffer* means an area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Certified personnel* means a person who has successfully completed the appropriate certification course approved by the state soil and water conservation commission.

*Commission* means the state soil and water conservation commission (GSWCC).

*CPESC* means certified professional in erosion and sediment control with current certification by ~~EnviroCert, Inc. Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina~~ that is also referred to as CPESC or CPESC, Inc.

*Cut* means a portion of land surface or area from which where earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface; also known as an excavation.

*Design professional* means a professional licensed by the state in the field of; engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure. ~~is a CPESC.~~

*Director* means the director of the environmental protection division or an authorized representative.

*District* means the Towaliga Soil and Water Conservation District.

*Division* means the environmental protection division (EPD) of the Department of Natural Resources.

## Subpart B - LAND DEVELOPMENT AND LAND USE

## Chapter 104 - DEVELOPMENT REGULATIONS

## ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

## DIVISION 1. GENERALLY

*Drainage structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material than conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice and/or gravity.

*Erosion sedimentation and pollution control plan ("plan")* means a plan required by the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq., that includes, as a minimum, protections at least as stringent as the state general permit, BMPs, and requirements of this article.

*Fill* means a portion of land surface to which soil or other solid material has been added; the depth above the original ground or an excavation.

*Final stabilization* means the point where all soil disturbing activities at the site have been completed, and (unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal) 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region).~~or equivalent permanent stabilization measures (such as the use of rip rap, gabions, perman~~~~equivalent permanent stabilization measures (such as the use of riprap, gabions, permanent mulches or geotextiles) have been used.~~ ~~Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region.~~ Final stabilization applies to each phase of construction.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

*Grading* means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

*Ground elevation* means the original elevation of the ground surface prior to cutting or filling.

*Land disturbing activity* means any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including exempted agricultural practices.

*Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

*Local issuing authority* means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a). The county is the local issuing authority for the unincorporated county.

*Manual* means the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of notice of intent (NOI) submittal. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this article.

## Subpart B - LAND DEVELOPMENT AND LAND USE

## Chapter 104 - DEVELOPMENT REGULATIONS

## ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

## DIVISION 1. GENERALLY

*Natural ground surface* means the ground surface in its original state before any grading, excavation or filling.

*Nephelometric turbidity units (NTU)* means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in where colloiddally dispersed particles are present.

*NOI* means a notice of intent form provided by EPD for coverage under the state general permit.

*NOT* means a notice of termination form provided by EPD to terminate coverage under the state general permit.

*Operator* means parties that have:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of activities necessary to ensure compliance with the plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the plan or to comply with other permit conditions.

*Permit* means the authorization necessary to conduct a land disturbing activity under the provisions of this article, known as a "Land Disturbance Permit."

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the state, any interstate body or any other legal entity.

*Phase or phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

*Plan* means the erosion and sedimentation and pollution control plan.

*Project* means the entire proposed development regardless of the size of the area of land to be disturbed or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

*Properly designed* means designed in accordance with the design requirements and specifications contained in the manual

*Roadway drainage structure* means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

*Sediment* means solid material, organic and/or inorganic, that is in suspension, is transported, and/or is moved from the site of origin by air, water, ice, or gravity as a product of erosion.

*Sedimentation* means the process where eroded material is transported with and deposited by water, wind, ice or gravity.

*Soil and water conservation district approved plan* means an erosion, and sedimentation, and pollution control plan approved in writing by the Towaliga Soil and Water Conservation District. As of July 12, 1992, a memorandum of agreement between the district, the county, and the state soil and water conservation commission permits the county to review and approve erosion, sedimentation, and pollution control plans.

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## DIVISION 1. GENERALLY

*Stabilization* means the process of establishing an enduring soil cover by the installation of temporary or permanent vegetation and/or structures, for the purpose of reducing to a minimum the erosion and sedimentation process.

*State general permit* means the national pollution discharge elimination system (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and O.C.G.A. § 12-5-30(f).

*State waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state that are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*Structural erosion and sediment control practices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc. Such practices can be found in the manual.

*Vegetative erosion and sedimentation control measures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the manual.

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash where water flows either continuously or intermittently and having a definite channel, bed and banks, and including any area adjacent subject to inundation by reason of overflow or floodwater.

*Wetlands* means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Code 1992, § 8-242; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-251—104-265. Reserved.**



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## DIVISION 2. EXEMPTIONS

***DIVISION 2. EXEMPTIONS*** <sup>[4]</sup>[Sec. 104-266. Exemptions.](#)[Secs. 104-267—104-280. Reserved.](#)**Sec. 104-266. Exemptions.**

This division shall apply to any land disturbing activity undertaken by any person on any land within the unincorporated county, except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72;
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Minor land disturbing activities such as home gardening, individual home landscaping, repairs, maintenance work, fence installation, and other related activities resulting in minor soil erosion;
- (4) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not exempted under this subsection. Construction of any such residence shall conform to the minimum requirements as set forth in division 4 of this article;
- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock includes but is not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkey; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products and farm buildings and farm ponds;
- (6) Forestry land-management practices, including harvesting, provided when such exempt forestry practices cause or result in land disturbing activities otherwise prohibited in a buffer, as established herein, no other land disturbing activities, except for normal forestry management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after the completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (8) Any project involving less than one acre of disturbed area; provided this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this subsection, "state waters" excludes channels and drainage ways having water in them only during and immediately after rainfall events and intermittent streams that do not have water in them year round; provided, that any person responsible for a project involving less than one acre of land disturbing activity and within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project not specifically exempted herein;
- (9) Construction and/or maintenance projects undertaken or financed in whole and/or in part by the department of transportation, the state highway authority, or the state road and tollway authority;

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and/or any road construction or maintenance project, undertaken by the county; provided, that construction or maintenance projects of the department of transportation or state road and tollway authority that disturbs one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the state highway authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority. The local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- (10) Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the federal energy regulatory commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where any previous referenced entities is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued. Violations shall be subject to the same penalties as violations by permit holders; and

- (11) Any public water system reservoir.

(Code 1992, § 8-243; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-267—104-280. Reserved.**

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FOOTNOTE(S):

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**State Law reference—** Exceptions, O.C.G.A. § 12-7-17. [\(Back\)](#)

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## DIVISION 3. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

***DIVISION 3. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES*** <sup>[5]</sup>[Sec. 104-281. General provisions.](#)[Sec. 104-282. Minimum requirements/BMPs.](#)[Sec. 104-283. Minimum requirements.](#)[Sec. 104-284. Watershed protection.](#)[Sec. 104-285. Damage to surrounding property.](#)[Secs. 104-286—104-303. Reserved.](#)**Sec. 104-281. General provisions.**

Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the article and the NPDES general permit are not met. Therefore, plans for those land disturbing activities not exempted by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. Provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this article. Application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities, and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land disturbing activities in accordance with requirements of this article and the NPDES general permit.

(Code 1992, § 8-245; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-282. Minimum requirements/BMPs.**

- (a) Best management practices as set forth herein shall be required for all land disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any action by the director/local issuing authority or to any other allegation of noncompliance with subsection (b) of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual specified in O.C.G.A. § 12-7-6(b).
- (b) A discharge of stormwater runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes not part of a larger common plan

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of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

- (c) Failure to properly design, install, or maintain BMPs shall constitute a violation of any land disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
- (d) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

(Code 1992, § 8-246; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-283. Minimum requirements.**

- (a) Rules, regulations, ordinances, and/or resolutions adopted pursuant to this article for the purpose of governing land disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and BMPs, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, consistent with and no less stringent than, those practices contained in the manual, as well as the following:
  - (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
  - (2) Cut-fill operations must be kept to a minimum;
  - (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
  - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
  - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
  - (6) Disturbed soil shall be stabilized as quickly as practicable;
  - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
  - (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
  - (9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this subsection, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.;
  - (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills;
  - (11) Cuts and fills may not endanger adjoining property;
  - (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

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- (13) Grading equipment must cross flowing streams by means of bridges or culverts, except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Erosion, sedimentation, and pollution control plans shall include provisions for treatment or control of any source of sediments and for adequate sedimentation control facilities to retain sediments onsite or preclude sedimentation of adjacent waters beyond the levels specified herein;
- (15) There is an established 25-foot buffer along the banks of any state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except:
  - a. Where the director determines to allow a variance that is at least as protective of natural resources and the environment;
  - b. Where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8;
  - c. Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; or
  - d. Along any ephemeral stream. As used in this article, the term 'ephemeral stream' means a stream; that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; where groundwater is not a source of the ephemeral stream; and where runoff from precipitation is the primary source of water flow.

Unless exempted as along an ephemeral stream buffers of at least 25 feet established pursuant to the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.), the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et seq.) shall remain in force unless a variance is granted by the director as provided in this subsection.

(b) The following requirements shall apply to any such buffer:

- (1) No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for the owner's own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
- (2) The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
  - a. Stream crossings for water lines; or
  - b. Stream crossings for sewer lines.

(Code 1992, § 8-247; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

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**Sec. 104-284. Watershed protection.**

Nothing contained in this article shall supersede the buffer requirements specified in article VII of this chapter, watershed protection.

(Code 1992, § 8-248; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-285. Damage to surrounding property.**

The fact that land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this division or the terms of the permit.

(Code 1992, § 8-249; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-286—104-303. Reserved.**

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FOOTNOTE(S):

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**State Law reference—** Best management practices, O.C.G.A. § 12-7-6. [\(Back\)](#)

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DIVISION 4. APPLICATION/PERMIT PROCESS

***DIVISION 4. APPLICATION/PERMIT PROCESS*** <sup>[\[6\]](#)</sup>

[Sec. 104-304. Generally.](#)

[Sec. 104-305. Permit required; application requirements; fees.](#)

[Sec. 104-306. Plan requirements.](#)

[Sec. 104-307. Permits.](#)

[Secs. 104-308—104-332. Reserved.](#)

**Sec. 104-304. Generally.**

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the county that affect the tract to be developed and the area surrounding it. They shall review all development ordinances that regulate land within the unincorporated county. However, the owner and/or operator are the only parties that can obtain a land disturbance permit.

(Code 1992, § 8-251; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-305. Permit required; application requirements; fees.**

- (a) No person shall conduct any land disturbing activity within the jurisdictional boundaries of the unincorporated county without first obtaining a permit from the county ~~stormwater~~environmental management department to perform such activity.
- (b) The application for a permit shall be submitted to the ~~stormwater~~environmental -management department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified herein. Applications for a permit will not be accepted unless accompanied by two copies of the plan. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
- (c) A fee shall be charged for each application as determined by the county board of commissioners for the disturbed area.
- (d) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) and (10) shall be submitted in full to the division, regardless of the county being a local issuing authority.
- (e) Upon receipt of a permit application and plan, the ~~stormwater~~environmental management department shall review the plan within 14 calendar days and approve or disapprove it concerning the adequacy of the plan. No permit will be issued unless the plan has been approved by the ~~stormwater~~environmental management department, all necessary variances have been approved, a

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## DIVISION 4. APPLICATION/PERMIT PROCESS

preconstruction meeting has been conducted where the owner or duly authorized representative is present, and all bonds, if required, have been submitted.

- (1) When reviewing any application for a land disturbing activity permit, the ~~stormwater-environmental~~ management department shall consider the past record of the permit applicant in complying with previous land disturbing activity permits and this article. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the ~~stormwater-environmental~~ management department may deny the application, pursuant to O.C.G.A. § 12-7-7(f)(1).
- (2) The ~~stormwater-environmental~~ management department may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof, up to, but not exceeding, \$3,000.00 per acre or a fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this article or with the conditions of the permit after issuance, the ~~stormwater-environmental~~ management department may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for a hearing and judicial review of any determination or order of the ~~stormwater-environmental~~ management department with respect to alleged permit violations.

(Code 1992, § 8-251; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-306. Plan requirements.**

- (a) Plans must be prepared to meet the minimum requirements as contained herein, or through the use of more stringent alternate design criteria conforming to sound conservation and engineering practices.
- (b) The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws, maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (c) The plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land disturbing activity was permitted.

(Code 1992, § 8-252; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-307. Permits.**

- (a) Permits shall be issued or denied as soon as practicable but no later than 15 days after receipt by the ~~stormwater-environmental~~ management department of a completed application, provided all state and federal permits/variances and local bonding are obtained, as applicable.



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- (b) Any variances required herein must be obtained; bonding requirements, if necessary, must be met; all the county ordinances, rules and regulations in effect must be complied with; and the plan must be approved prior to issuance of a permit by the ~~stormwater-environmental~~ management department.
- (c) If the permit is denied, the reason for denial shall be furnished to the applicant.
- (d) Any land disturbing activities by a local issuing authority shall be subject to the same requirements of this article.
- (e) If the tract is to be developed in phases, then a separate permit shall be required for each phase. If a decision is made to plat the subdivision in phases after the permit has been issued, and the rights-of-way have been cleared, the cleared areas outside of the phase to be constructed must be mulched and grassed. A new permit must be issued before work can begin in any subsequent phase, though the work may be continued under the initial NOI if a NOT has not be filed with the state.
- (f) The permit may be suspended, revoked, or modified by the ~~stormwater-environmental~~ management department, as to all or any portion of the land affected by the plan, upon finding that the holder or successor in the title is not in compliance with the approved plan or that the holder or successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (g) A permit shall not be issued for any lot in a subdivision with a minimum lot size less than two acres unless it is issued in conjunction with a building permit.
- (h) If the work has not begun within 90 calendar days of the issuance of a permit, then the permit shall expire. The permit will expire if the project is not completed and approved within 24 months of the issuance of the permit. If project is a phased project, as indicated on the approved site plan or preliminary plat, then each phase of the project has a 24-month time limit. When a permit expires, the developer will have to apply for a new permit, however, once a new permit is issued, work may continue under the initial NOI, if a NOT has not be filed with the state.
- (i) The permit must be posted at the site entrance in a place where it can easily be seen.

(Code 1992, § 8-253; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-308—104-332. Reserved.**

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FOOTNOTE(S):

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**State Law reference—** Permits, O.C.G.A. § 12-7-7 et seq. [\(Back\)](#)

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DIVISION 5. INSPECTION AND ENFORCEMENT

***DIVISION 5. INSPECTION AND ENFORCEMENT***

[Sec. 104-333. Inspection.](#)

[Sec. 104-334. Investigations.](#)

[Sec. 104-335. Entry.](#)

[Secs. 104-336—104-358. Reserved.](#)

**Sec. 104-333. Inspection.**

The ~~stormwater-environmental~~ management department will periodically inspect the sites of land disturbing activities for which where permits have been issued to determine if the activities are being conducted in accordance with the approved plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the ~~stormwater-environmental~~ management department shall regulate primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of BMPs where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of BMPs where the secondary permittee is conducting land disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities, as defined herein, has failed to comply with the approved plan, permit conditions, or provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, the person shall be deemed in violation of this article.

(Code 1992, § 8-254; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-334. Investigations.**

The ~~stormwater-environmental~~ management department shall have the power to conduct such investigations as may be reasonably deemed necessary to carry out duties as prescribed in this article, and for this purpose to enter, at reasonable times, upon any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities.

(Code 1992, § 8-255; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-335. Entry.**

No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative in the process of carrying out his official duties. Any such person refusing entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division shall be subject to penalties described division 6 of this article, pertaining to penalties and incentives.

(Code 1992, § 8-256; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS  
ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 5. INSPECTION AND ENFORCEMENT

**Secs. 104-336—104-358. Reserved.**

Subpart B - LAND DEVELOPMENT AND LAND USE  
 Chapter 104 - DEVELOPMENT REGULATIONS  
 ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 6. PENALTIES AND INCENTIVES

***DIVISION 6. PENALTIES AND INCENTIVES***

[Sec. 104-359. Failure to obtain a permit for land disturbing activity.](#)

[Sec. 104-360. Stop work orders.](#)

[Sec. 104-361. Bond forfeiture.](#)

[Sec. 104-362. Monetary penalties.](#)

[Secs. 104-363—104-366. Reserved.](#)

**Sec. 104-359. Failure to obtain a permit for land disturbing activity.**

If any person commences any land disturbing activity requiring a permit as prescribed in this article without first obtaining said permit, the person shall be subject to revocation of his work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the county.

(Code 1992, § 8-259; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-360. Stop work orders.**

- (a) For the first and second violations of this article the director or local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or local issuing authority shall issue a stop work order requiring that all activities be stopped until necessary corrective action or mitigation has occurred. If the violation presents an imminent threat to public health or state or if the land disturbing activities are conducted without obtaining the necessary permit, the director or local issuing authority shall issue an immediate stop work order in lieu of a warning.
- (b) For a third and any subsequent violation, the director or local issuing authority shall issue an immediate stop work order.
- (c) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (d) All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his designee, have been or are being discharged into state waters and where BMPs have not been properly designed, installed and maintained, a stop work order shall be issued by the local issuing authority or by the director or his designee. Such stop work orders shall apply to all activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(Code 1992, § 8-260; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

## Subpart B - LAND DEVELOPMENT AND LAND USE

## Chapter 104 - DEVELOPMENT REGULATIONS

## ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

## DIVISION 6. PENALTIES AND INCENTIVES

**Sec. 104-361. Bond forfeiture.**

If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply with the time specified, the person shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited the person's performance bond, if required. The ~~stormwater environmental~~ management department may call the bond or any part hereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

(Code 1992, § 8-261; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-362. Monetary penalties.**

Any person who violates any provisions of this division, or any permit condition or limitations established pursuant to this division or who negligently or intentionally fails or refuses to comply with any final or emergency order of the ~~stormwater environmental~~ management department issued, as provided in this division, shall be liable for a civil penalty not to exceed \$2,500,00.00 per day, per violation, or a sentence of imprisonment not to exceed 60 days or both. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Code 1992, § 8-262; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**State law reference—** Civil penalties, O.C.G.A. § 12-7-15.

**Secs. 104-363—104-366. Reserved.**

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS  
ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 7. EDUCATION AND CERTIFICATION

***DIVISION 7. EDUCATION AND CERTIFICATION*** [77](#)

[Sec. 104-367. Required of persons involved in land development.](#)

[Sec. 104-368. Representative.](#)

[Sec. 104-369. On-site representative.](#)

[Secs. 104-370—104-388. Reserved.](#)

**Sec. 104-367. Required of persons involved in land development.**

Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(Code 1992, § 8-263; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-368. Representative.**

- (a) For each site on where land disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is responsible for erosion, sedimentation and pollution control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land disturbing activities are conducted on that site.
- (b) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.

(Code 1992, § 8-264; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-369. On-site representative.**

If a state general permittee who has operational control of land disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land disturbing activities at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said section.

(Code 1992, § 8-265; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-370—104-388. Reserved.**

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FOOTNOTE(S):

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS  
ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE  
  
DIVISION 7. EDUCATION AND CERTIFICATION

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--- (7) ---

**State Law reference—** Education and training certification requirements, O.C.G.A. § 12-7-19. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS  
ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 8. ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

***DIVISION 8. ADMINISTRATIVE APPEAL, JUDICIAL REVIEW***

[Sec. 104-389. Administrative remedies.](#)

[Sec. 104-390. Judicial review.](#)

[Secs. 104-391—104-408. Reserved.](#)

**Sec. 104-389. Administrative remedies.**

The suspension, revocation, modification or grant with condition of a permit by the ~~stormwater~~ environmental management department upon finding that the holder is not in compliance with the approved erosion, sedimentation and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the board of commissioners of the county within 30 days after receipt by the ~~stormwater~~ environmental management department of written notice of appeal.

(Code 1992, § 8-264; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Sec. 104-390. Judicial review.**

Any person, aggrieved by a decision or order of the ~~stormwater~~ environmental management department, after exhausting his administrative remedies, shall have the right to appeal de novo to the superior court of the county.

(Code 1992, § 8-265; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-391—104-408. Reserved.**



Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS  
ARTICLE IX. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

DIVISION 9. LIABILITY

***DIVISION 9. LIABILITY***

[Sec. 104-409. Liability.](#)

[Secs. 104-410—104-431. Reserved.](#)

**Sec. 104-409. Liability.**

- (a) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the county or the district for damage to any person or property.
- (b) The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof nor create a presumption of a violation of the standards provided for in this division or the terms of the permit.
- (c) No provision of this division shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), the Georgia Water Quality Control Act (O.C.G.A. § 12-2-20 et seq.) or the rules and regulations promulgated and approved hereunder or pollute any waters of the state as defined hereunder.

(Code 1992, § 8-268; Ord. No. 2004-02, § 1, 2-26-2004; Ord. No. 2010-03, § 1, 5-27-2010)

**Secs. 104-410—104-431. Reserved.**

# COUNTY AGENDA REQUEST

Page 38 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award request for proposal #1198-P for one (1) High Pressure Pump with tank to HMA Fire, LLC in the amount of \$18,192.10 and to transfer \$2,192.10 from the Fire Contingency account to complete the purchase.

## Background/History/Details:

Fire & Emergency Services was approved, through the budget process, to purchase a high pressure pump and tank assembly for the purpose of fighting brush and grass fires. This assembly will be mounted on an existing 4-wheel drive truck. The high pressure system allows for smaller hose line size and better penetration of water and foam products in the fire area. When mounted on the 4-wheel drive truck this pump and tank will allow off-road access in fields and wooded areas not currently accessible to a standard fire truck.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award RFP #1198-P for one (1) High Pressure Skid Pump with Tank to HMA Fire, LLC in the amount of \$18,192.10 and to transfer \$2,192.10 from Fire Contingency account, 37510599-579000 to complete the purchase.

## If this item requires funding, please describe:

\$16,000 is designated in the FY 2017 CIP Plan for this purchase. The additional funding required is the transfer request of \$2,192.10 from the Fire Contingency Account.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

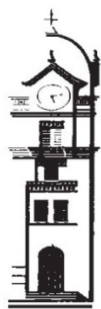
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



*Fayette*  
COUNTY

"WHERE QUALITY  
IS A LIFESTYLE"

**PURCHASING DEPARTMENT**  
140 STONEWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: November 10, 2016

Subject: Request for Proposals #1198-P: High Pressure Skid Pump / Tank Unit

Fire / EMS is in need of a high pressure skid pump and tank unit, to respond to brush fires and similar calls. The unit is to be mounted on the back of an existing Ford F-350 pickup truck.

In August, 2016 Request for Proposals (RFP) #1179-P was issued for a company to deliver, assemble, and install a pump. No one submitted a proposal. The Purchasing Department surveyed a number of the non-responding companies. Of this group, three said they could not economically provide installation, one declined because of a bid bond and performance bond requirement, and two said their products did not meet all of the specifications included in the RFP.

To respond to market conditions, Fire / EMS decided to get installation done in-house, and to drop the bond requirements. With these changes, the solicitation was re-advertised as RFP #1198-P. Invitations were emailed to 14 vendors. Another 38 were contacted through the web-based Georgia Procurement Registry. In addition, invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), and Channel 23.

Two companies submitted proposals. They are:

- HMA Fire
- Ten 8 Fire & Safety Equipment of Georgia

An Evaluation Committee, consisting of three Fire / EMS personnel, scored the proposals (please see attached). They found it necessary to obtain additional information from the company with the apparent best score (HMA Fire), so the Purchasing Department and Fire / EMS staff placed two conference calls to the company. With the clarification and additional information, they determined that the unit offered by HMA Fire was in substantial compliance with their requirements.

The amount of \$16,000.00 was budgeted in Project #7270B for the unit. The offered price of the skid pump is \$18,192.00. The difference of \$2,192.00 will come from the Fire Contingency Account.

Specifics of the proposed contracts are as follows:

Contract Name	1198-P: High Pressure Skid Pump / Tank Unit
Vendor	HMA Fire
Contract Amount	\$18,192.00

Current Budget:

	<u>Capital Improvement Program</u>	<u>Contingency Account</u>
Org. Code	37530550 Fire Services	37510599 Fire Contingency
Object	542200 Vehicles	579000 Contingency
Project	7270B High Pressure Tank	N/A
Budget	\$16,000	\$913,444.51 as of 10/24/2016

**PROPOSAL #1198-P: HIGH PRESSURE SKID PUMP/TANK UNIT  
EVALUATION SCORE SUMMARY**

<b>TECHNICAL MERIT</b>		<b>HMA FIRE</b>	<b>TEN 8 FIRE &amp; SAFETY EQUIP. OF GA</b>
<b>Functional layout of pump panel/fuel tank/foam tank/exhaust:</b> How the layout impacts operation, maintenance, and other aspects of ownership and use of the equipment, etc.	<b>40</b>	18	25
<b>Delivery Time:</b> Stipulate the number of days from the time the county issues the Notice to Proceed to delivery and installation of the completed unit.	<b>15</b>	8	12
<b>Type of Engine Offered:</b> Sufficiency of horsepower, maintenance requirements, and other relevant considerations, given the brand and specific engine offered, etc.	<b>10</b>	9	8
<b>Warranty(s) Offered:</b> Length, term, and any other advantages offered by the warranties.	<b>5</b>	4	2
<b>TOTAL TECHNICAL MERIT</b>	<b>70</b>	<b>39</b>	<b>47</b>

<b>Proposed Price</b>	\$18,192	\$26,870
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<b>Technical Merit</b>	<b>70%</b>	<b>39</b>	<b>47</b>
<b>Price</b>	<b>30%</b>	<b><u>30</u></b>	<b><u>20</u></b>
<b>Total Score</b>		<b>69</b>	<b>68</b>

07/07/2016 15:37  
9597saceFAYETTE COUNTY, GA  
NEXT YEAR BUDGET DETAIL REPORTP 1  
bgnyrpts

PROJECTION: 20171 FY 2017 Budget - Multi-Year Funds

## ACCOUNTS FOR:

## HIGH PRESSURE TANK

37530550 542200 - 7270B VEHICLES

VENDOR	QUANTITY	UNIT COST	2017	APPROVED
	1.00	16,000.00		16,000.00 *
				16,000.00

TOTAL HIGH PRESSURE TANK

16,000.00

GRAND TOTAL

16,000.00

\*\* END OF REPORT - Generated by Sergio Acevedo \*\*

**From:** [Mary Parrott](#)  
**To:** [David Scarbrough](#); [Tom Bartlett](#); [Steve Rapson](#)  
**Cc:** [Sheryl Weinmann](#)  
**Subject:** Fire Contingency  
**Date:** Friday, October 21, 2016 3:02:21 PM  
**Attachments:** [image001.png](#)

37510599	579000	FIRE	CONTINGENCY ACCOUNT	2014/12/001330	06/30/2014	LAB	BUA	1,581.00	3270C
				2014/12/001360	06/30/2014	LAB	BUA	5,613.00	2270B
				2015/09/000267	03/10/2015	MID-YR ADJ	BUA	-7,194.00	0550A
				2015/12/001160	06/30/2015	EOY ADJMNT	BUA	0.78	0550A
				2015/12/001160	06/30/2015	EOY ADJMNT	BUA	899,832.64	2930C
				2016/08/000634	02/25/2016	FY16 MIDYEAR ADJ	BUA	-34.25	5270B
				2016/08/000634	02/25/2016	FY16 MIDYEAR ADJ	BUA	92.00	6270D
				2016/08/000634	02/25/2016	FY16 MIDYEAR ADJ	BUA	4,453.61	3270A
				2016/08/000849	02/25/2016	FY16 MIDYEAR ADJ	BUA	1,380.00	6270C
				2016/08/000847	02/25/2016	FY16 MIDYEAR ADJ	BUA	1,380.00	6270E
				2016/12/001125	06/30/2016	FY16 YE ADJUSTMENTS	BUA	6,338.30	6270B
				2017/03/000432	09/22/2016	MATCH TO TRANSFERS IN/OUT	BUA	1.43	ADJUSTMENT
								913,444.51	

**Mary S Parrott**  
 Chief Financial Officer  
 Fayette County, GA  
[mparrott@fayettecountyga.gov](mailto:mparrott@fayettecountyga.gov)  
 770-305-5235

# COUNTY AGENDA REQUEST

Page 44 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to approve the purchase of a new CAT 12M3 Motorgrader off the Georgia Department of Administrative Services (DOAS) statewide contract for \$232,216.00 from Yancy and staff recommendation to trade-in #81277 (1987 CAT 140G Motorgrader) for the value of \$47,700.00 to Yancy.

## Background/History/Details:

CAT Motorgrader #81277 was purchased by the County in 1987 and has served the County well for almost 30 years. Motorgraders are used in many functions of the Road Department's daily operations. Used almost daily for the maintenance needs of the 50 miles of dirt roads maintained by the Department. This equipment is also required for construction of new roads and parking lots. During snow and ice events the motorgrader is main tool used by the Department to keep the roads open.

The new CAT 12M3 motorgrader will be the first piece of equipment with a joystick controls that are now standard on this type of equipment. This machine will also feature a rear camera to improve operator safety while operating this machine.

\$232,216.00 - Cost of new motorgrader

-\$47,700.00 - Trade-in value of #81277

\$184,516.00 - Total purchase cost

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to approve the purchase of a new CAT 12M3 Motorgrader off the Georgia Department of Administrative Services (DOAS) statewide contract for \$232,216.00 from Yancy and staff recommendation to trade-in #81277 (1987 CAT 140G Motorgrader) for the value of \$47,700.00 to Yancy.

## If this item requires funding, please describe:

\$230,103.00 was approved in account 61040220-542150-7220E for purchase of a new motorgrader in the FY 2017 budget.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:





# Fayette COUNTY

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## PURCHASING DEPARTMENT

140 STONEWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: November 10, 2016

Subject: Contract #1220-N: Caterpillar 12M3 Motor Grader

The Road Department owns a Caterpillar 140G Motor Grader that it acquired in 1987. Funds were approved in the Fiscal Year 2017 budget to replace it with a new Motor Grader.

Yancey Bros. Co. has competitively won a state-wide contract through the Georgia Department of Administrative Services (DOAS), and has established another cooperative contract with the National Joint Powers Alliance (NJPA), which is a municipal national contracting agency. To secure the best price available, the Purchasing Department compared Yancey's prices through both contracts.

The list price for a basic Caterpillar 12M3 is \$404,497.00. The established discount through NJPA is 33%, while the discount through the DOAS state-wide contract is 38%. Taking the state-wide discount, and adding freight, warranty, and other add-ons, the price is \$261,100.14. Yancey then discounted this amount by another 11%, for an offered price of \$232,216.00 (please see Attachment 1).

For disposition of the old motor grader, two options were considered:

- *Sell on the Internet auction site GovDeals:* The average price received for a Caterpillar 140G over the last 12 months was \$42,600.00. The low price was \$40,250.00 and the high price was \$46,525.00 (in Alaska).
- *Trade-In:* Yancey offered \$47,700.00 for trade-in.

The Road Department recommends purchase of the new Motor Grader for \$232,216.00 and trade-in of the old Motor Grader for \$47,700.00 for a net cost of \$184,516.00. I concur.

Specifics of the proposed purchase are as follows:

<b>Contract Name</b>	1220-N: Caterpillar 12M3 Motor Grader		
<b>Vendor</b>	Yancey Bros. Co.		
<b>Contract Price</b>	\$184,516.00		
<b>Budget</b>			
<b>Fund</b>	610	Vehicles / Equipment	
<b>Org. Code</b>	61040220	Road Department	
<b>Object</b>	542150	Road & Construction Equipment	
<b>Project</b>	7220E	Motor Grader	
<b>Available Budget</b>	\$230,103.00		

*Attachment #1***CATERPILLAR, INC. Model: 12M3 MOTORGRADER**

## State Contract Pricing Worksheet

Line  
Number

1	Enter List Price of Machine	\$ 404,497.00
2	Enter Discount from Discount Sheet	38%
3	Total Discount	\$ 153,708.86
4	Price to Customer Before Add ons	\$ 250,788.14
5	Enter Delivery Freight	\$ 500.00
6	Enter Extended Warranty	\$ 5,850.00
7	Extras (Hitch Pin, Remote Grease Kit)	\$ 3,962.00
8	State Contract Price	\$ 261,100.14
Fayette County State Contract Quote		\$232,216.00
Trade In: (model-140G yr-1987 s/n-72V10216)		- <u>47,700</u>
TOTAL WITH TRADE IN		\$184,516.00

**STATE CONTRACT NUMBER: 99999-001-SPD-0000102-0025****VENDOR ID: 0000009858**



1987 CAT 140H Motorgrader



2016 CAT 12M3 Motorgrader

# COUNTY AGENDA REQUEST

Page 48 of 144

Department: Solicitor's Office

Presenter(s): Jamie Inagawa, Solicitor

Meeting Date: Thursday, November 10, 2016

Type of Request: Consent #9

## Wording for the Agenda:

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a continuing grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the continuing grant award period beginning October 1, 2016 and expiring September 30, 2017, and authorization for the Chairman to sign all grant related documentation.

## Background/History/Details:

The Criminal Justice Coordinating Council has proposed a continuing grant award (2nd year) in the amount of \$68,000.00 to the Fayette County Board of Commissioners for the Prosecuting Attorney's Office Council (PAC) of Georgia - Funding of Prosecution Based Federal Victims of Crime Act Assistance Grant Program (VOCA). Of the \$68,000 total grant award, \$3,400 volunteer hour credits (non-cash), \$54,400 are Federal funds, and \$10,200 are County matching funds. The \$64,600 cash portion is to be used towards the salary and benefits and supplies for the Victim's Advocate position to be allocated as noted below:

\$46,264 Victim's Advocate salary and benefits for the period October 1, 2016 through June 30, 2017

\$17,045 Victim's Advocate salary and benefits for the period July 1, 2017 through September 30, 2017

\$ 3,891 Victim's Advocate supplies - including furniture, computer, office supplies, etc. for program costs FY17

\$ 800 Victim's Advocate supplies - including furniture, computer, office supplies, etc. for program costs FY18

The Solicitor's Office is seeking to accept the continuing grant for the purposes of continuing salary and benefits of the Victim's Advocate to continue this VOCA Program to support direct services to crime victims, i.e. persons who have suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The continuing grant award (2nd year) period is October 1, 2016 through September 30, 2017 and is guaranteed for a period of three years.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a continuing grant award (2nd year) from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the continuing grant award period beginning October 1, 2016 and expiring September 30, 2017, and authorization for the Chairman to sign all grant related documentation.

## If this item requires funding, please describe:

Fiscal Year 2017 County matching funds are \$7,650.00 and Fiscal Year 2018 County matching funds are \$2,550.00.

Has this request been considered within the past two years? Yes

If so, when? 12-10-15

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

Page 49 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award a task order under Contract #1132-B in the amount of \$683,655 to Shockley Plumbing Co. for Castle Lake waterline replacement, to award a task order under Contract #P888 in the amount of \$10,000 to CH2M for plans and contract administration, and to transfer funds from various CIP projects to provide the necessary budget.

## Background/History/Details:

The Water System has experienced main breaks in the Castle Lake subdivision to the extent that the entire line needs to be replaced to continue to provide the water customers in that area with water. Land survey and engineering design work has been completed. The remaining work, and associated costs, are as follows:

Waterline plans preparation and contract administration	\$10,000.00
Construction estimate, including contingency	683,655.00
Total estimated need	\$693,655.00

The land survey and engineering design have already been completed and paid, at a cost of \$28,800. Total remaining costs to be incurred are \$693,655.00 which is proposed to be funded from CIP projects that were planned for FY 2017. These projects will be rescheduled for FY 2018. Attached are line breaks over the past couple of years. The frequency of line breaks has almost become predictable. Many times the Water System has had to rely on its annual contractor to address the repairs in a timely manner. Any time a water line has continuous interruptions we should consider funding a complete replacement in an effort to supply reliable service to our customers.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award a task order under Contract #1132-B in the amount of \$683,655 to Shockley Plumbing Co. for Castle Lake waterline replacement, to award a task order under Contract #P888 in the amount of \$10,000 to CH2M for plans and contract administration, and to transfer funds from various CIP projects to provide the necessary budget.

## If this item requires funding, please describe:

It is requested to transfer funding from the following CIP projects: North waterline enhancement (\$149,035), sludge removal system controls (\$400,000), Lake Peachtree raw waterline (\$44,620), and sodium permanganate - South Fayette (\$100,000).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

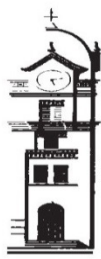
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



To: Steve Rapson

From: Ted L. Burgess

Date: November 10, 2016

Subject: Contract #1132-B, Task Order 1: Castle Lake Water Line Replacement

Because the Water System must be in a position to make prompt repairs to water lines as the need arises, the county enters into annual contracts for this service on an as-needed basis. At the meeting of October 13, 2016 the Board of Commissioners awarded the Fiscal Year 2017 contract to Shockley Plumbing Company.

Water line replacement for the Castle Lake community has emerged as a priority. The Water System recommends issuance of a task order to Shockley Plumbing in the amount of \$683,655 to perform the replacement, as that project fits the scope of work envisioned in the contract. It is recommended that a task order be awarded to the Water System Engineer of Record, CH2M, for an additional \$10,000 to prepare plans and perform contract administration.

Specifics of the recommended task orders are as follows:

	WATER LINE REPLACEMENT	CONTRACT ADMINISTRATION
Contract Name	1132-B: Water Line Extensions	P888: Water System Engineer of Record
Contract Type	Annual, indeterminate quantity, fixed unit price	Annual, as-needed service
Vendor	Shockley Plumbing, Inc.	CH2M
Contract Amount	Per task order	Per task order
Task Order Not-to-Exceed	\$683,655.00	\$10,000.00

Inasmuch as this is a newly emerging priority, funds must be transferred from existing Capital Improvement Program (CIP) projects that had been approved for the current year. It is anticipated that these projects will be requested again for the upcoming fiscal year. It is requested that funds be transferred from the following CIP projects:

507-117616-6NWEP	North Waterline Enhancement Project	\$149,035
507-117616-6SRSC	Sludge Removal System Controls	400,000
507-117616-5BDS	Lake Peachtree Raw Waterline	44,620
507-117616-7SFSP	Sodium Permanganate - South Fayette	<u>100,000</u>
Total		<u>\$693,655</u>

## CASTLE LAKE MAIN BREAKS

**Summary: There have been a total of twenty (20) main break repairs conducted at Castle Lake since the beginning of Calendar Year 2014.**

### 2014

<b>Break #</b>	<b>Date</b>	<b>Address</b>
1	1/17/2014	Repaired water main
2	3/5/2014	2115 Castle Lake Drive
3	3/13/2014	1020-2075 Castle Lake Drive
4	3/31/2014	2180 Castle Lake Drive
5	6/7/2014	2140 Castle Lake Drive
6	6/10/2014	Repaired water service
7	6/20/2014	2105 Castle Lake Drive
8	10/20/2014	2140 Castle Lake Drive
9	11/3/2014	Castle Lake Drive; no specific address

### 2015

<b>Break #</b>	<b>Date</b>	<b>Address</b>
1	4/8/2015	2140/2150 Castle Lake Drive
2	5/9/2015	2110 Castle Lake Drive
3	6/10/2015	Repaired Water Main
4	12/28/2015	1160 Castle Lake Drive

### 2016

<b>Break #</b>	<b>Date</b>	<b>Address</b>
1	1/7/2016	2125 Castle Lake Drive
2	4/11/2016	Castle Lake Estates; no specific address
3	4/26/2016	2090 Castle Lake Drive
4	5/21/2016	2125 Castle Lake Drive
5	7/6/2016	2110 Castle Lake Drive
6	7/14/2016	Corner of Castle Lake Drive & Castle Lake Ct
7	8/5/2016	Castle Lake Estates; no specific address



Project Name:			Castle Lake S/D (1193-B)		
Project Estimate:			\$ 683,655		
No.	Item	Unit	Est. Quantity	Unit Price	Total Price
1	Mobilization (See Specification Section 01010)	EA.	1	\$ 15,000.00	\$ 15,000.00
2	8" Dia. Class 300 DIP, complete	L.F.	5330	\$ 34.00	\$ 181,220.00
3	6" Dia. Class 300 DIP, complete	L.F.	800	\$ 30.00	\$ 24,000.00
4	D.I. Fittings, complete including hydrant tees, gaskets & hardware Weight based on Star Pipe Products Weight Guide, or ENGINEER-approved equivalent	TON	0.7	\$ 7,000.00	\$ 4,900.00
5	Fire Hydrant Assemblies, complete including 6" gate valve, valve box, hydrant lead pipe, restraining devices, concrete & crushed stone Hydrant barrel to be 5-1/4" diameter	EA.	14	\$ 3,000.00	\$ 42,000.00
6	Bore & Jack: 14" Dia. Steel Casing & 8" Dia. Carrier Pipe w/Casing Spacers	L.F.	155	\$ 215.00	\$ 33,325.00
7	Bore & Jack: 10" Dia. Steel Casing & 6" Dia. Carrier Pipe w/Casing Spacers	L.F.	155	\$ 200.00	\$ 31,000.00
8	Freebore for 8" pipe w/out casing, complete	L.F.	800	\$ 80.00	\$ 64,000.00
9	Freebore for 6" pipe w/out casing, complete	L.F.	100	\$ 70.00	\$ 7,000.00
10	8" Dia. Gate Valve (GV) w/box & valve marker, complete	EA.	8	\$ 1,400.00	\$ 11,200.00
11	6" Dia. GV w/box & valve marker, complete	EA.	2	\$ 1,200.00	\$ 2,400.00
12	Clearing, complete including grinding, haul off and cleanup	L.S.	1.0	\$ 1,500.00	\$ 1,500.00
13	3/4" Short-Side service tie-ins, including copper service pipe, meter box, & all misc. hardware (Owner to provide 3/4" meter & backflow preventor)	EA.	33	\$ 800.00	\$ 26,400.00
14	3/4" Long-Side service tie-ins, complete as described in Item 15, including road bore	EA.	36	\$ 1,000.00	\$ 36,000.00
15	Grassing (DS3), complete including seed, fertilizer/lime, maintenance, and temporary grassing (DS2)	ACRE	3	\$ 6,500.00	\$ 19,500.00
16	Silt Fence (Sd1), complete	L.F.	6200	\$ 2.00	\$ 12,400.00
17	Ditch Checks (Cd), complete	EA.	124	\$ 125.00	\$ 15,500.00
18	Concrete Thrust Blocking, complete	C.Y.	1	\$ 160.00	\$ 160.00
19	8" x 8" Wet Tap, complete as described in Item 52, w/8" GV	EA.	1	\$ 2,500.00	\$ 2,500.00
<b>ENGINEER DIRECTED WORK</b>					
20	Trackhoe	HOUR	110	\$ 125.00	\$ 13,750.00
21	Rubber Tire Backhoe	HOUR	40	\$ 110.00	\$ 4,400.00
22	5 Man Crew	HOUR	200	\$ 180.00	\$ 36,000.00
23	3 Man Crew	HOUR	40	\$ 135.00	\$ 5,400.00
24	Stabilization Stone or Crusher Run for gravel driveway repair	TON	120	\$ 45.00	\$ 5,400.00
25	Trench Rock Excavation, complete including backfill with suitable material	C.Y.	500	\$ 105.00	\$ 52,500.00
26	Unsuitable Materials, complete including backfill with suitable material	C.Y.	30	\$ 25.00	\$ 750.00
27	Pavement Repair	S.Y.	50	\$ 80.00	\$ 4,000.00
28	Sod Replacement (DS4), complete	S.F.	3000	\$ 2.00	\$ 6,000.00
29	Rip-Rap (St), GDOT Type 3	TON	10	\$ 45.00	\$ 450.00
30	Material Not Provided by Owner (See Section 01010, Part 4.01 I)	L.S.	1	\$ 20,000.00	\$ 20,000.00
31	Material Testing (See Section 02011)	L.S.	1	\$ 5,000.00	\$ 5,000.00

TOTAL OF BASE BID  
(Total of all Bid Items)**\$ 683,655.00**

\*\*\*\*\* TOTAL

\*\*\*\*\*

Estimate based on Star Pipe Products Weight Guide



**Castle Lake Funding**

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<b><u>Fund</u></b>	<b><u>Project Description</u></b>	<b><u>Available Funding</u></b>	<b><u>Available to Use Per WS</u></b>	<b><u>To Be Applied to Castle Lake</u></b>
Capital	North Waterline Enhancement Project	149,035	149,035	149,035
Capital	Sludge Removal System Controls	400,000	400,000	400,000
Capital	Lake Peachtree Raw Waterline	44,620	44,620	44,620
Capital	Sodium Permanganate South Fayette	100,000	100,000	100,000
	<b>Total Funding for Castle Lake</b>	<b>693,655</b>	<b>693,655</b>	<b>693,655</b>

**BOARD OF COUNTY COMMISSIONERS**

Charles W. Oddo, Chairman  
Randy Ognio, Vice Chair  
David Barlow  
Steve Brown  
Charles D. Rousseau

Consent #11



**FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Floyd L. Jones, County Clerk  
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**MINUTES**

October 27, 2016  
7:00 p.m.

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**Call to Order**

Chairman Oddo called the October 27, 2016 Board of Commissioners meeting to order at 7:04 p.m.

**Invocation by Chairman Oddo**

Chairman Oddo offered the Invocation.

**Pledge of Allegiance**

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Brown moved to accept the Agenda as written. Commissioner Ognio seconded the motion. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

**PUBLIC HEARING:**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 1," follows these minutes and is made an official part hereof.

1. **Consideration of Petition No. RDP-013-16. Camp Southern Ground, Inc. & Spotty Merle, Owner and D. Ben Ferguson, Agent request to revise the development plan and summary of intent for rezoning petition 1222-11 (PUD-PRL) to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5th District and Land Lots 1, 2, and 3 of the 7th District.**

Community Development Director Pete Frisina read the Introduction to Public Hearings into the record and stated that the staff and the Planning Commission recommend approval of this petition. He stated that about six months ago the

Board approved an amendment to the Zoning Ordinance to allow a solar farm in a PUD-PRL zoning. He stated that the solar farm would replace the Equestrian Center currently located on the property.

Mr. Ben Ferguson representing Camp Southern Ground answered questions regarding this item.

Commissioner Brown asked if the solar farm would be adequate for the area so that the buffers would not be disturbed.

Mr. Ferguson stated that is correct.

Commissioner Brown asked if it would be fenced off to keep people away from the panels.

Mr. Ferguson stated that yes, it would be fenced.

Commissioner Rousseau asked if there were any plans other than, and/or in addition to the fencing. He stated that his question is dealing with buffers so that the panels are not visible from the roadway.

Mr. Ferguson stated that there will be a buffer to protect the adjacent subdivision, in addition there would be hammocks placed there to take advantage of the natural buffer and terrane.

Commissioner Rousseau asked if there were any plans to plant additional buffers.

Mr. Ferguson stated that there are currently no design plans for the project.

Commissioner Rousseau asked if Mr. Ferguson was amenable to adding a condition to include adding a buffer.

Mr. Ferguson stated yes.

Commissioner Barlow commended Zack Brown and Camp Southern Ground for the work that has been done. He stated that in time it will be a place that people from all over the world will want to come to visit.

No one spoke in favor of this petition.

No one spoke in opposition of this petition.

Commissioner Rousseau moved to approve Petition No. RDP-013-16. Camp Southern Ground, Inc. & Spotty Merle, Owner and D. Ben Ferguson, Agent request to revise the development plan and summary of intent for rezoning petition 1222-11 (PUD-PRL) to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5th District and Land Lots 1, 2, and 3 of the 7th District; with one (1) condition, that the northern boundary of the solar farm has a planted screen and said screen shall be planted to the standards for shrubs in a Zoning Buffer as specified in the Nonresidential Development Landscape Requirements. Commissioner Brown seconded. Discussion followed.

Mr. Ferguson stated that is willing to do what is required. He stated that a buffer around the cul-de-sac and around the driveway would be fine.

Commissioner Rousseau moved to approve Petition No. RDP-013-16. Camp Southern Ground, Inc. & Spotty Merle, Owner and D. Ben Ferguson, Agent request to revise the development plan and summary of intent for rezoning petition 1222-11 (PUD-PRL) to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5th District and Land Lots 1, 2, and 3 of the 7th District; with one (1) condition, that the northern boundary of the solar farm has a planted screen and said screen shall be planted to the standards for shrubs in a Zoning Buffer as specified in the Nonresidential Development Landscape Requirements. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**2. Consideration of Petition No. 1261-16. Bob & Nancy Usry, Owners and Derrick Johnson, Agent request to rezone 3.286 acres from C-H & M-1 to C-H to maintain a HVAC Company and Auto Sales located in Land Lots 137 of the 5th District and fronting on SR 54 and Denesha Todd Court.**

Mr. Frisina briefed the Board that the property actually consists of three lots. He stated that the southern portion of the property is zoned C-H, the northern portion is zoned M-1 and that there are other C-H and M-1 mixed zonings in the area. He stated that the land use for this area is commercial so the petition is compliant with the Land Use Plan.

Commissioner Brown asked to clarify that the Board is being asked to rezone three separate lots or if the lots will be consolidated.

Mr. Frisina stated that the petition is to rezone three separate lots in order to consolidate them. He stated that the final plat would be revised to put the properties together and placing all three properties under one zoning is the first step.

Mr. Derrick Johnson stated that most of the area was already zoned C-H. He stated that Mr. Usry was renting the property to an auto sales tenant and that he wants to continue using the property for that purpose, although he will be getting rid of that particular auto sales tenant. He stated that the HVAC Company is already there.

Vice Chairman Ognio mentioned the cemetery that is to the back of the property.

Mr. Frisina stated that there is state code regarding the cemetery. He stated that the procedure would have to be followed when it is time to approve the site plan. He stated that the cemetery is deemed abandoned and would not affect the proposed rezoning.

Commissioner Rousseau addressed the issue with the abandoned cars on the lot and the current tenant. Mr. Johnson stated that they have begun to follow the process to remove the cars.

No one spoke in favor of the petition.

No one spoke in opposition of the petition.

Commissioner Brown moved to approve Petition No. 1261-16. Bob & Nancy Usry, Owners and Derrick Johnson, Agent request to rezone 3.286 acres from C-H & M-1 to C-H to maintain a HVAC Company and Auto Sales located in Land Lots 137 of the 5th District and fronting on SR 54 and Denesha Todd Court. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

### **CONSENT AGENDA:**

Commissioner Brown moved to approve the Consent Agenda as written. Vice Chairman Ognio seconded. The motion passed 5-0.

3. **Approval of staff's recommendation to accept a donation from the Fayette County Resource Council, Inc. in the amount of \$2,266.98 for the purchase of Safety Equipment. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**
4. **Approval of the October 13, 2016 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

There was no Old Business discussed.

### **NEW BUSINESS:**

5. **Consideration of the Public Arts Committee's request for approval of proposed project request form and budget for the "Birdhouses" project.**

The Public Arts Committee Chairperson Donna Thompson briefed the Board on the proposed Birdhouse project. She stated that the Public Arts Committee (PAC) was before the Board to request the final approval of the project and budget for the project. Mrs. Thompson shared the registration, drop off, placement and maintenance process of the birdhouse. She stated that the county or the city staff will not be charged with placement of the birdhouses, unless they choose to do so. The PAC will have a volunteer committee in place for the actual placing of the birdhouses. She stated that the budget includes the numbered identification tags and the marketing materials as needed.

Commissioner Brown asked if there was a protocol in place for maintaining and disposing of the birdhouses on public property.

Mrs. Thompson stated that one of the reasons for the identification tags is to track the birdhouses and their location to periodically check to see if any maintenance is needed. She stated that this would be part of the volunteer process with possible scouts or 4-H to help with the process. She stated that the committee would be partnering with the Southern Conservation Trust on this project.

Chairman Oddo asked if there was a timeline for this program or would it be on-going.

Mrs. Thompson stated that it would be an on-going project.

Vice Chairman Ognio stated that the budget is not for material to build the birdhouses.

Mrs. Thompson confirmed that is correct. She stated that there are entities willing to donate material and participants would also purchase their own birdhouses.

Commissioner Barlow asked if the committee had asked the local Home Depot to donate. He stated that on Saturdays they have projects where dads help their children build projects. He stated this would be a marvelous project for them.

Mrs. Thompson stated that they had not. She stated that Home Depot has a birdhouse kit that people could use.

Commissioner Rousseau asked who would have the sole discretion to determine if the birdhouses would be removed because of lack of cleaning or safety.

Mrs. Thompson stated that the committee would claim responsibility for that, in coordination with the municipalities and the county, if they encounter a birdhouse that needs attention.

Commissioner Rousseau asked if the committee was working with the Health Department for the health benefits. Mrs. Thompson stated that the committee had not coordinated with them at this point.

Commissioner Rousseau asked about the drop off process.

Mrs. Thompson explained the process.

Mr. Tom Waller spoke regarding the liability to the County for the volunteers that would help with the maintenance and installation of the birdhouses.

County Attorney Dennis Davenport stated that it would seem that the committee would have protocol in place regarding a liability waiver and hold harmless clause, before allowing anyone to climb a tree in order to protect themselves and to protect the various public entities including the County.

Mrs. Thompson stated that the committee would not send under aged teenagers to work on this alone.

Commissioner Brown moved to approve the Public Arts Committee's request for approval of proposed project request form and budget for the "Birdhouses" project. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

**6. Consideration of Commissioner Rousseau's recommendation to amend Policy 100.19 to generally prohibit members of the Board of Commissioners from serving on the County's authorities, boards, commissions, committees and similarly established bodies and other form changes.**

Commissioner Rousseau stated that he has raised concerns over the past year regarding Commissioners serving on boards and committees; particularly committees established that should be citizen driven to make recommendations to the Board. He stated as example, that there are vacancies on the Zoning Board of Appeals. He stated that the Board is not prohibited from appointing a Commissioner to the Zoning Board of Appeals, the Planning Commission or the Board of Assessors. He stated that the Board would not consider appointing a Commissioner to those bodies because they have an internal function that says "leave politics out of it". He stated that these bodies make decisions that impact the community. He stated that the same is true for the Elections Board. He stated that there is a reason the Board does not appoint itself to any of these appointments. He stated that the citizenry would say, because of the Board's political persuasion, that the Board might unduly influence that body. He stated that the thought is, if the Board is eliciting and

soliciting responses from the community at large about the way the Board governs its affairs, then the recommendations would come from the citizenry and then it would come before the Board. He stated that his point is to allow the citizenry to bring the recommendations to the Board. He stated that he is recommending that any outside elected official serving on any of the Board appointed bodies would also not serve in any official capacity. He continued that a Board member not being appointed to any of these bodies does not prevent them from attending to offer input. He stated that any time a Board member walks into a room of citizens, there is an expectation. He stated that he is asking that the Board removes itself from the equation. He stated that he is bringing this for consideration as a policy revision to remove the Board and allow it to be driven from the citizenry up and then have the Board to vote the recommendation up or down.

Commissioner Rousseau moved to approve to amend Policy 100.19 to generally prohibit members of the Board of Commissioners from serving on the County's authorities, boards, commissions, committees and similarly established bodies and other form changes. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown stated that on page 61, number 12, it states; "permitted or allowed by state or local law". He stated that he does not recall state or local law not giving approval for dual appointments on board, authorities or commissions. He stated that number 12 states that a person cannot serve on more than one board or authority.

Commissioner Rousseau clarified that the language in number 12 is based on the amendment that the Board approved at a previous Board meeting.

Commissioner Brown stated that as written, it would mean that if someone is serving two different appointments that they would have to give up one of the appointments.

Commissioner Rousseau stated that if his proposed amendments are approved, that anyone serving more than one appointment would be allowed to serve out their term.

Mr. Davenport stated that this is an example of retroactivity. He stated that those serving on more than one board were properly placed on those boards at the time. He stated that the language, if adopted is prospective. He stated that when their term expires they would be disqualified from reapplying based on the way it is written.

Commissioner Brown stated that addressed his concern.

Commissioner Brown stated that as it relates to county staff, if the idea is to have the boards and committees to be citizen driven and unless there is something that requires the EMS director, law enforcement or public safety staff person be placed on the board, then it should be taken off the table as well.

Commissioner Rousseau stated that he would like to see staff from the various municipalities on the Transportation Committee. He stated that they are qualified staff that could promote dialogue regarding transportation in the county. He stated that he would like to make that exception.

Commissioner Brown stated that if it is going to be citizen driven, then it needs to be completely citizen driven. He stated that if it is not mandated then there is a choice. He stated that there are two bodies that he would single out and one is the Transportation Committee. He stated that the elected officials drive the transportation process and the discussion. He stated that the elected officials give staff instructions and there should be discussion on the elected level. He stated that in previous years staff would bring a recommendation to the Board and it would be torn to pieces and the elected officials would end up discussing it anyway. He stated that the other one is the Hospital Authority because that Authority does not depend on the Board for a final decision. He stated that he would like to have someone



in the loop that knows what is going on in the event that the Authority goes into Executive Session. He asked Commissioner Rousseau for his consideration on the exception for the Transportation Committee and the Hospital Authority in his motion and he would be in favor of the amendment.

Commissioner Rousseau stated that if the Hospital Authority is an autonomous body and does not have to come before the Board, then that is ok. He stated that he understood Commissioner Brown's point to be involved in the discussion, but that the County has staff that is present at the Hospital Authority meetings.

Commissioner Brown stated that he is not saying to mandate that, but to leave it open if the Board deemed it necessary to appoint a Commissioner.

Chairman Oddo stated that he has a lot of faith in the talent in Fayette County. He stated that he does not see the need to have a Commissioner specifically on the Hospital Authority. He stated that in regards to Executive Session, no one is permitted to share what is discussed in Executive Session. He stated that ethically any Commissioner on the Authority should not be discussing Executive Session matters with the other Board members. He stated that Commissioners have the opportunity to attend the Authority meetings and any other meetings. He stated that one of the points Commissioner Rousseau is making is also one of the points he has been making in previous months regarding the Board looking for recommendations from the citizens. He stated that if the body is allowed to function without a Commissioner present then there will be a more unbiased recommendation. He stated that he is inclined not to exclude the Hospital Authority. He stated that the Board could come back to amend the change if it did not work. He stated that by not having a Commissioner appointed to the body, it would give citizens more of an opportunity to be appointed. He stated that staff does not vote on the issues during a Board of Commissioners meeting so he saw no issue with having them as part of the committee.

Commissioner Brown stated that the Development Authority is a good example. He stated that the municipalities can put a mayor or council on the Authority. He stated that the Board found out about the tax abatements after the Development Authority had voted on the issue. He stated that he understands that Executive Session matters could not be discussed, but he would hope if a Commissioner hears something during Executive Session that the Commissioner would be the one fighting to do things the right way. He stated that he would like to have the option to place a Commissioner on this Authority and the Hospital Authority.

Mr. Davenport stated that the Development Authority is set up by state law which dictates who can be placed on the Development Authority. He stated that Peachtree City had a Development Authority and everyone agreed to consolidate the two Authorities which evolved into an intergovernmental agreement among the governments stating how the seats are to be appointed. He stated that the state law contemplates that elected officials can be on the Development Authority if the Board so chooses. He stated that the Hospital Authority issues bonds that are different from the bonds issued by the Development Authority. He stated that Development Authority issues revenue bonds that are generally issued to attract business to Fayette County with a tax abatement program to be competitive with other jurisdictions which affects the tax base of every political entity in Fayette County including the County. He stated that when the Hospital Authority issues a bond it is being issued in support of Piedmont Fayette Hospital. He stated that those bonds are tax exempt to income tax and not property tax. He stated that because it is a tax exempt organization there is no property tax and therefore no abatement. He stated that Fayette County has zero liability of the bonds issued by the Hospital Authority. He stated that the liability is on Piedmont Healthcare System. He stated that the only relationship between the Authority and the Board is the appointment process and with the tax exempt bond issue they



have to be brought to the Board to recognize the bond and to recognize that the procedures have been properly followed. He stated that if the Board, by ordinance, voted to put an elected official on the Transportation Committee then it would come under the exemption where the policy states "or by local law". He stated that if the Board wants to remove all elected officials from all boards, then the Board will need to go back, after this policy is approved, and amend the Ordinance in addition to the policy. He stated that this is a two-step process. He stated that if the policy amendment is approved, then the second step would be to evaluate any committee created by local ordinance to determine if the elected official would serve on that committee. He stated that a policy does not trump an ordinance.

Commissioner Brown stated that if the policy was approved, then the Transportation Committee would still have an elected official serving on the committee. Mr. Davenport confirmed that is true, unless the Board chose to amend the ordinance to state otherwise. Commissioner Brown stated that on the Hospital Authority he wants to ensure that if the Board has any responsibility and the Authority operates autonomously he would like to have someone on the Authority.

Chairman Oddo asked what the responsibility of the Hospital Authority was. Mr. Davenport explained the responsibility of the Authority. He stated that the Authority is limited in Fayette County to meeting quarterly and issuing bonds when needed at the hospital.

Commissioner Rousseau asked if the Hospital Authority wanted to change how they operate would it come before the Board. Mr. Davenport stated that it is state law driven.

Chairman Oddo stated that the Development Authority did give the rebates to Pinewood and the County had asked to be involved in the decision making. He continued that the Commissioner have the power of the budget and that was the solution to this situation. He stated that it was not that the Board did not want the twenty-year abatement, it was that the Board did not know about it.

Commissioner Brown stated that he would have gone ten years on the abatement and not twenty on the school building.

Commissioner Rousseau stated that he is open to visit separately, the appointments of persons serving on bodies that were established by local ordinance or policy. He stated that he recognizes the fiduciary responsibility of the Board to the citizens when bonds/monies are being considered where there is an obligation and the Board does not have input, knowledge or ability to vote on the issue. He stated that he is open to looking at the entities that have that type power. He stated that the Development Authority and possibly the Public Facilities Authority, but he is not swayed by the Transportation Committee. He stated that he would like to see the professional engineers steering that committee.

Mr. Davenport stated that the Development Authority is not "mandated by state law", but a position is reserved for an elected official of a governing authority or his or her designee. He stated that would still allow the Board to put an elected official on the Development Authority even if the Board was to change the policy. He stated that the Transportation Committee is a different situation because it was created through an ordinance that the Board adopted specifically to include an elected official. He stated that the ordinance would have to be amended and amending the policy would not amend the Transportation Committee ordinance. He stated that he is not aware of any other committees that have the authority as the Development Authority does in respect to floating bonds, with the exception of the Public Facilities Authority. He continued that when it states; "a member of a governing authority or his or her designee", the Board should treat that as a mandate by state law, but the Board has the discretion to appoint an elected official at that time.

Vice Chairman Ognio stated that the Transportation Committee forces the municipalities to communicate. He stated that the engineering staff from the County is involved and the Committee reaches out to the engineer when putting together the project list. He stated that the Transportation Committee has accomplished a lot since its inception. He stated there was no communication over the years until this Committee was put in place. He asked the Board what problem is being fixed. He stated that he does not see any political influence. He stated that with this policy amendment the Board would be limiting the opportunity to ensure a body headed in the right direction if it is going awry.

Commissioner Rousseau stated that he is willing to take the entities discussed off the table, but with the rest of the bodies the citizens should be telling the Board what to do.

Commissioner Brown asked if the bodies with the bonds and the fiduciary responsibilities include the Hospital Authority.

Mr. Davenport stated that the Hospital Authority is different because it is not seeking other hospitals to come to them to issue bonds. He stated that the Authority is dormant until Piedmont Fayette Hospital has a need for a bond issue.

Commissioner Brown stated that the Transportation Committee and Development Authority would stay as is, but would the Hospital Authority have the same capacity to say that the Board could put a Commissioner on the Authority.

Mr. Davenport stated that the Hospital Authority is state law driven. He stated that there is nothing in state law that addresses an elected official on the Hospital Authority.

Commissioner Brown asked Commissioner Rousseau if he would make the exception for the Hospital Authority.

Commissioner Rousseau stated that he is reluctant because the Board put new terms in place that might comprise the change going forward. He stated that he is suggesting that when the terms expire that the Board can make the change.

Commissioner Brown stated that the hazard in waiting is that when it is time to appoint three new people and there has been no resolution.

Chairman Oddo reiterated that the County has staff present at the Hospital Authority meetings.

Commissioner Brown stated that he is referring to someone who can vote on issues.

Vice Chairman Ognio stated that the Board appoints the citizens to the committees who have no ties to the rest of the citizens. He asked if that would be considered a true representation by not having someone on the body that the citizens can hold accountable.

Commissioner Rousseau stated that the people on the bodies will bring the recommendations to the Board and the Board is held accountable.

Commissioner Barlow stated that the Public Arts Committee is a great example of the citizens moving forward without a Commissioner represented on the committee. He stated that he understood the concerns about the Development Authority. He stated that the Board used the powers it had to replace members and cut the budget. He stated that there are now members on the Authority who are trustworthy. He stated that he believes the Board is forgetting about the kind of people that are coming forth to apply for these positions. He stated that there is not a gain from having a Commissioner on the Authority because the Board does not have the expertise of the applicants that he can see.

Commissioner Rousseau stated that he would like to bring the Hospital Authority back for discussion at a later date.

Commissioner Rousseau moved to approve to amend Policy 100.19 to generally prohibit members of the Board of Commissioners from serving on the County's authorities, boards, commissions, committees and similarly established bodies and other form changes. Commissioner Barlow seconded. The motion passed 4-1 with Vice Chairman Ognio voting in opposition. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

**7. Consideration of the County Attorney's recommendation to adopt Resolution 2016-15 for the implementation of a reasonable and timely procedure for the receipt and processing of tax refund requests.**

Mr. Davenport briefed the Board that state law was amended to require governing authorities to adopt a Resolution setting out the procedures for handling tax refund request. He stated that this Resolution handles that requirement.

Commissioner Brown asked if the ninety days from receipt was from state law. Mr. Davenport stated that the ninety days was added due to state law and to ensure that the request was brought to the Board of Commissioners meeting no later than the ninety day time frame. He stated that if the requestor decided not to bring the matter before the Board they could file a lawsuit in Superior Court. He stated that if the requestor decided to come before the Board they can go to Superior Court after ninety days if the Board did not make a decision. He stated that the ninety days is only mandated when the tax payer chooses to first come before the Board rather than Superior Court.

Commissioner Rousseau asked if this Resolution would change the trajectory of receiving the request or has the traditional route been to submit the request to the Clerk's office.

Mr. Davenport stated that in 2007 the process changed to a different process, but there was nothing to support that process. He stated that this Resolution puts the process back to the way it should be. He stated that the Tax Commissioner and the Tax Assessors do not receive refund request, the Board of Commissioners makes the decisions so it is logical that this body would receive the request. He stated that the tax payer is requesting a hearing before this body.

Commissioner Brown moved to adopt Resolution 2016-15 for the implementation of a reasonable and timely procedure for the receipt and processing of tax refund requests. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

**8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ralph Heim, in the aggregate amount of \$6,594.24.**

Mr. Davenport briefed the Board that this request is an example of a tax payer who applied for a homestead exemption. He stated that the standard homestead exemption was granted and in addition, because the tax payer met the minimum sixty-five year old age, he was eligible for an additional 50% homestead exemption. He stated that like all exemptions, a tax payer would have to apply for the exemption in order to receive the exemption. He stated that the age exemption is a local act exemption that Fayette County has put in place, while the standard homestead exemption is put in place by state law. He stated that the exemption for age also has an income component. He continued that if the tax payer's income max for a calendar year is \$15,000 or less, adjustable gross income per the state of Georgia definition, then the tax payer can provide verification and the tax payer would receive 100% at age 65 of the school tax removed from their tax bill. He continued that the records show that Mr. Heim applied for the age portion of the exemption, but did not apply for the income portion. He stated that Mr. Heim is requesting the income portion going back to 2009. He stated that to-

date there has been no income information provided from Mr. Heim to show that he meets the income cap. He stated that for that reason he recommends denial.

Mr. Ralph Heim spoke regarding this item. Mr. Heim stated that he submitted documentation for the last seven years. He stated that one of the documents was a tax bill and one was a Form 500 that showed that he qualified, both in age and salary, for the additional 50% exemption. He stated that it was sent to Mr. Wingo. He stated that he "screwed up" and did not do what was required to obtain the additional deduction. He stated that he did not know about the exemption. He stated that he would like to give the Board two points. One point is that the County was not harmed by his over paying of taxes and the second point is that to grant the return would not have a financial impact on the county. He stated that he would like the Board to consider the severity of the penalty by not returning the money in whole or in part. He stated that he paid his taxes in good faith and to deny the request is harsh and brash penalty. He asked the Board to consider his point when making a decision.

Commissioner Brown asked Mr. Davenport if the County's position, based on the memorandum from his office, is that the County has still not received proof of income.

Mr. Davenport stated that his information as of the October 7 memorandum that the incoming information had not been received. He stated that he does not know when Mr. Heim submitted his information.

Commissioner Brown stated that he would like to table this request until the next meeting, to get more information. He stated that if staff does not have a copy of the documents, then that would allow Mr. Heim to give them to staff so that the Board can review the information before the next meeting.

Mr. Heim stated that the original tax forms were sent to the State and the documents are a recap showing line 15 of his tax documents for the six years in question. He stated that each year the salary was at or below the minimum requirement.

Commissioner Rousseau stated there is a legal issue to address.

Mr. Davenport stated that the first question that would clarify a number of issues is when the information was sent to the County.

Mr. Heim stated that he submitted the information on September 25, 2016.

Mr. Davenport stated that even if the information is the type of information needed to verify the income, the deadline was April 1, 2016. He stated that to go back to 2009, to his knowledge is something that the County has never done for a homestead exemption. He stated that the state law and local act for Fayette County for homestead exemptions deadline is April 1 and it is not retroactive.

Mr. Heim stated that he has admitted that he did not submit the documents and that is not the issue. He stated that he did not know about the mistake until September.

Commissioner Brown stated that all of the various exemptions are sent with the tax bill. Mr. Davenport stated that in his experience the tax office sends out that information regularly.

Commissioner Barlow stated that this is an example of the Board having to do what is legal versus what is right and if he was able to do so he would grant the refund. He stated that may not be what is legal for Fayette County because the Board has to consider all the residents.

Mr. Heim asked if this was an illegal request. He asked if the Board granted the refund would it be illegal.

Commissioner Barlow stated that it would probably be against policy. He concluded that the Board has to do what is legal and cannot always follow their heart.

Commissioner Brown moved to deny the disposition of tax refunds, as requested by Ralph Heim, in the aggregate amount of \$6,594.24. Commissioner Rousseau seconded.

Chairman Oddo stated that the Board has to look at the ramifications when reviewing this type request. He stated that what the Board does for one it has to do for all.

Commissioner Brown stated that the Tax Assessors office, could send an annual press release on the exemptions.

Chairman Oddo asked if Mr. Heim would have to reapply every year.

Mr. Davenport stated that the Tax Commissioner office would instruct Mr. Heim on the requirements because the income each year could be greater than the threshold.

Commissioner Brown moved to deny the disposition of tax refunds, as requested by Ralph Heim, in the aggregate amount of \$6,594.24. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

#### **PUBLIC COMMENT:**

There were no public comments.

#### **ADMINISTRATOR'S REPORTS:**

County Administrator Steve Rapson was absent.

##### **A. Request for Quotes 1204-A; Brooks & Kiwanis Park Fence Installation**

Water System Director Lee Pope briefed the Board regarding the drought conditions and how it relates to Fayette County. He stated that under the new drought rule the Environmental Protection Division (EPD) Director has declared a Level 1 and the Water System has begun the community outreach that is required during a Level 1. He stated that Level 1 means that the County is to do community outreach. He continued that Level 2 means that the County would require an odd, even day water schedule, allowing two days for odd and two days for even. He stated that commercial businesses are exempt from both Level 1 and Level 2. He stated that with the County's current position there is approximately three days of storage in the Lake Horton and Lake McIntosh. He stated that the county is not in dire straits. He stated that if EPD declares a Level 2 he will come back before the Board with an update. He encouraged that the citizens are welcome to contact the Water

System with any questions and that he wanted the citizens to be mindful of the water conditions when using water in their homes.

He briefed the Board on the lawsuit between the State of Florida vs. the State of Georgia regarding water usage.

Chairman Oddo stated that there are four Selection Committees that require appointments.

**Library Board:** Chairman Oddo moved to approve Vice Chair Ognio and Chairman Oddo to serve as the Selection Committee for the Library Board. Commissioner Barlow seconded. The motion passed 5-0.

**Board of Assessors:** Chairman Oddo moved to approve Commissioner Rousseau and Commissioner Barlow to serve as the Selection Committee for the Board of Assessors. Vice Chair Ognio seconded. The motion passed 5-0.

**Planning Commission:** Chairman Oddo moved to approve Commissioner Brown and Commissioner Ognio to serve as the Selection Committee for the Planning Commission. Commissioner Rousseau seconded. The motion passed 5-0.

**Zoning Board of Appeals:** Chairman Oddo moved to approve Commissioner Brown and Commissioner Rousseau to serve as the Selection Committee for the Zoning Board of Appeals. Commissioner Barlow seconded. The motion passed 5-0.

#### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that he had one item Threaten Litigation and Review of the October 13, 2016 Executive Session Minutes for consideration in Executive Session.

#### **COMMISSIONERS' REPORTS:**

##### **Commissioner Rousseau:**

**Policy Amendment:** Commissioner Rousseau thanked the Board for their favorable consideration for the amendment to Policy 100.19.

**Water Conditions:** Commissioner Rousseau expressed the value in water and water conservation. He encouraged citizens to be mindful of water consumption by self-imposing restrictions in their homes. He stated that water is critical and that there are people who struggle to get fresh water every day just to sustain life.

**Senior Advisory Council:** Commissioner Rousseau stated that senior citizens are venerable when on a fixed income. He stated that he would like to start a Senior Advisory Council so that issues like the one on the agenda regarding the tax refund can be discussed and disseminated to fellow seniors. He stated that on the December 8 Board of Commissioner meeting he is asking the County Attorney to put together a framework on how the Senior Advisory Council would function. He stated that there should be an internal mechanism to evaluate the agreement with the senior service provider other than a "suggestion box" to ensure that seniors in the county are getting the service expected.

**HOA Boot Camp:** He stated that he wanted to reiterate the HOA Boot Camp is open to the public and will be held on November 5 at 8:00 a.m. at the Georgia Convention Center. Participants can register at HOABootCamp.org.



**Elections Office:** Commissioner Rousseau stated that he wanted to encourage the Election Office given the term “fraud” being thrown around lately. He stated that he knows the County’s Elections Office works diligently to make sure every vote is recorded accurately. He encouraged the staff and volunteers to continue to do what is required by law and by mandate to provide service to citizens.

**Congratulations to Piedmont Hospital:** Commissioner Rousseau congratulated Piedmont Hospital for receiving the Hospital of the Year award.

**Loss of Loved One:** Commissioner Rousseau mentioned the loss of a family member due largely to Alzheimer disease.

**Commissioner Barlow:**

**School Bus Driver:** Commissioner Barlow thanked everyone for attending. He spoke of his experience of volunteering at Rock Eagle in 2014 and how that encouraged him to pursue becoming a bus driver. He stated that he passed his CDL with P&S endorsement and he is now a special needs bus driver for Fayette County. He stated that he cannot think of a greater service than taking children to the local schools. He stated that he looks forward to making a positive impact.

**Water Conservation:** Commissioner Barlow stated that the latest statistic that he read states that the average individual uses 80 gallons of water a day. He asked Lee Pope to put out the statistics to the citizens to show that eliminating the typical flush throughout a day for an individual could save hundreds and thousands of gallons of water.

**Congratulations to Piedmont Hospital:** Commissioner Barlow congratulated Piedmont Hospital for receiving the Hospital of the Year award.

**Commissioner Brown:**

**Congratulations to Piedmont Hospital:** Commissioner Brown congratulated Piedmont Hospital for receiving the Hospital of the Year award. He stated that any comments that he has made related to the Hospital Authority is not a reflection on Piedmont, the management of Piedmont or anything that the hospital is doing.

**Presidential Election Year:** Commissioner Brown stated that this Presidential election year is one of the most bizarre presidential elections that this country has ever seen in his lifetime. He stated that WikiLeaks imposition on the national election is creating an open window to see what is behind the curtain at the government and the federal level. He stated that it is history making. He stated that he believes it will change the perception of anyone voting for any party to rethink the way they are voting. He stated that the government cannot stop WikiLeaks and the news media cannot cover it up. He stated that he has watched news segments and it has been a fascinating discussion. He stated that a lot of people consider Edward Snowden a traitor and he did have an issue with him releasing foreign agents and putting their lives in jeopardy, but one of the chief officers in U.S. intelligence lied to a congressional committee saying that they were not hacking the U.S. information and they were. He stated that it was someone like Snowden that had to show that “you can’t trust government at the federal level because the government will lie.” He stated that hopefully there will be a government that actually represents the people and not the special interest and using money in ways that benefit the citizens of the country and not those who donate to campaigns.

**Vice Chairman Ognio:**

**Breast Cancer Awareness:** Vice Chairman Ognio stated that on October 26 his sister would have been 52 years old. He stated that October being the month of Breast Cancer Awareness and her birthday, has a special place in his heart.

**Halloween Safety:** Vice Chairman Ognio cautioned people to be careful while kids are out possibly over the weekend celebrating Halloween.

**Voting Turnout:** Vice Chairman Ognio stated that voting turnout is heavy. He asked citizens to research the candidates and not to take a flyer for face value. He stated that there is a lot of information available on candidates and he hopes that everyone will take the time to do the research.

**Chairman Oddo:**

**National Alzheimer Disease Awareness:** Chairman Oddo stated that November is National Alzheimer Disease Awareness Month. He stated that President Ronald Reagan designated November in 1983. He stated that at that time there were fewer than two million Americans that had the disease and today the estimate is approximately 5.4 million. He stated it is ironic that is the disease that took President Reagan. He shared some facts about Alzheimer disease.

**Election Day:** Chairman Oddo stated that Election Day is coming up. He stated that this will be the last Board of Commissioners meeting before the country has a new president. He stated that it is important that everyone takes the responsibility of voting to heart.

**Thank you to Veterans:** Chairman Oddo encouraged citizens, as Veterans Day approaches, that they would thank a Veteran. He thanked all Veterans.

**EXECUTIVE SESSION:**

**One Item of Threaten Litigation and Review of the October 13, 2016 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:45 p.m. and returned to Official Session at 10:24 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0.

**Approval of the October 13, 2016 Executive Session Minutes:** Vice Chairman Ognio moved to approval the October 13, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the October 27, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.



The October 27, 2016 Board of Commissioners meeting adjourned at 10:24 p.m.

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Tameca P. White, Chief Deputy Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10<sup>th</sup> day of November 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, Chief Deputy Clerk

# COUNTY AGENDA REQUEST

Page 70 of 144

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of staff's recommendation to approve the Intergovernmental Agreement for the use and distribution of proceeds from the 2017 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.

## Background/History/Details:

A Special Purpose Local Option Sales Tax (SPLOST) is a county-wide, one cent, voter approved, tax for a specific time that local governments can use to fund specific capital projects. This proposed 2017 SPLOST is for six years and voters will make a decision regarding the SPLOST during the March 2018 Special Election.

Fayette County and the municipalities of Peachtree City, Fayetteville, Tyrone, and Brooks would share the SPLOST proceeds based on population. This intergovernmental agreement between Fayette County, Peachtree City, Fayetteville, Tyrone and Brooks outlines the terms of the distribution and projects associated with the approval of the SPLOST.

## What action are you seeking from the Board of Commissioners?

Approval of the Intergovernmental Agreement for the use and distribution of proceeds from the 2017 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

STATE OF GEORGIA  
COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT  
FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE  
2017 SPECIAL PURPOSE LOCAL OPTION SALES TAX  
FOR CAPITAL OUTLAY PROJECTS**

**THIS AGREEMENT** is made and entered this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between Fayette County, a political subdivision of the State of Georgia (the "County"), and the Town of Brooks, the City of Fayetteville, the City of Peachtree City, and the Town of Tyrone, municipal corporations of the State of Georgia (the "Municipalities", individually and collectively) (the "Agreement").

**WITNESSETH:**

**WHEREAS**, O.C.G.A. § 48-8-110 et seq. (the "Act"), authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing capital outlay projects for the use and benefit of the County and qualified municipalities within the County; and

**WHEREAS**, the County and Municipalities met to discuss possible projects for inclusion in the SPLOST referendum on the \_\_\_\_ day of March, 2017 in conformance with the requirements of O.C.G.A. § 48-8-111 (a); and

**WHEREAS**, the County and Municipalities deem it to be in the best interests of the special district of Fayette County created by O.C.G.A. § 48-8-110 (a) (the "Special District") to improve Public Services in the Special District by carrying out the hereinafter described capital outlay projects, and the most feasible plan for providing funds to pay the costs of such capital outlay projects is to impose a SPLOST, pursuant to the Act; and

**WHEREAS**, the Act allows the proceeds of the SPLOST to be distributed pursuant to the term of a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia between the County and one or more "qualified municipalities" (as defined in the Act) located within the Special District containing a combined total of no less than 50 percent of the aggregate municipal population located within the Special District; and

**WHEREAS**, the County and the Municipalities have negotiated a division of the SPLOST proceeds as authorized by the Act.

**NOW, THEREFORE**, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the County and the Municipalities, the County and the Municipalities consent and agree as follows:

**Section 1 – Representations and Mutual Covenants**

A. The County makes the following representations and warranties which may be specifically

relied upon by all parties as a basis for entering this Agreement:

1. The County is a political subdivision duly created and organized under the Constitution of the State of Georgia;
  2. The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
  3. This Agreement is a valid, binding, and enforceable obligation of the County; and
  4. The County will take all actions necessary to call an election to be held in all voting precincts in the County on the \_\_\_\_ day of March, 2017 for the purpose of submitting to the voters of the County for their approval, the question of whether or not a SPLOST shall be imposed on all sales and uses within the Special District for a period of 24 quarters (six (6) years), commencing on the \_\_\_\_ day of \_\_\_\_\_, 2017, to raise an estimated \$141,014,157 to be used for funding the projects specified in Exhibit "A" attached hereto.
- B. Each of the Municipalities makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
1. Each Municipality is a municipal corporation duly created and organized under the laws of the State of Georgia;
  2. The governing authority of each Municipality is duly authorized to execute, deliver and perform this Agreement;
  3. This Agreement is a valid, binding, and enforceable obligation of each Municipality;
  4. Each Municipality is a qualified municipality as defined in O.C.G.A. §48-8-110 (4); and
  5. Each Municipality is located entirely or partially within the geographic boundaries of the Special District.
- C. It is the intention of the County and Municipalities to comply in all respects with O.C.G.A. §48-8-110 et seq., and all provisions of this Agreement shall be construed in light of O.C.G.A. §48-8-110 et seq.
- D. The County and Municipalities agree to promptly proceed with the acquisition, construction, equipping and installation of the projects specified in Exhibit "A" of this Agreement and in accordance with the priority order referenced in Section 8 of this Agreement.
- E. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership, the proceeds of the sale shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. §48-8-121 (g) (2).

- F. The County and Municipalities agree to maintain thorough and accurate records concerning receipt of SPLOST proceeds and expenditures for each project undertaken by the respective County or Municipality as required fulfilling the terms of this Agreement.

## **Section 2 - Conditions Precedent**

- A. The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the imposition of the SPLOST in accordance with the provisions of O.C.G.A. § 48-8- 111 (a).
- B. This Agreement is further conditioned upon the approval of the proposed imposition of the SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A. § 48-8-111 (b) through (e).
- C. This Agreement is further conditioned upon the collecting of the SPLOST revenues by the state revenue commissioner and transferring same to the County.

## **Section 3 - Effective Date and Term of the Tax**

The SPLOST, subject to approval in an election to be held on March \_\_\_\_, 2017, shall continue for a period of six (6) years with collections beginning on \_\_\_\_\_, 2017.

## **Section 4 - Effective Date and Term of this Agreement**

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- A. The official declaration of the failure of the election described in this Agreement;
- B. The expenditure by the County and all of the Municipalities of the last dollar of money collected from the SPLOST after the expiration of the ; or
- C. The completion of all projects described in Exhibit A.

## **Section 5 - County SPLOST Fund; Separate Accounts; No Commingling**

- A. A special fund or account shall be created by the County and designated as the 2017 Fayette County Special Purpose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a local bank which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.
- B. The Town of Brooks shall create a special fund to be designated as the 2017 Brooks Special Purpose Local Option Sales Tax Fund.
- C. The City of Fayetteville shall create a special fund to be designated as the 2017 Fayetteville Special Purpose Local Option Sales Tax Fund.
- D. The City of Peachtree City shall create a special fund to be designated as the 2017 Peachtree City Special Purpose Local Option Sales Tax Fund.

- E. The Town of Tyrone shall create a special fund to be designated as the 2017 Tyrone Special Purpose Local Option SalesTax Fund.
- F. Each Municipality shall select a local bank which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the Municipality.
- G. All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 6, SPLOST proceeds shall not be commingled with other funds of the County or Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than SPLOST proceeds shall be placed in such funds or accounts.

## **Section 6 - Procedure for Disbursement of SPLOST Proceeds**

- A. Upon receipt by the County of SPLOST proceeds collected by the state revenue commissioner, the County shall immediately deposit said proceeds in the SPLOST Fund. The monies in the SPLOST Fund shall be held and applied to the cost of acquiring, constructing and installing the County capital outlay projects listed in Exhibit "A" and as provided in Paragraph B of this Section.
- B. The County, following deposit of the SPLOST proceeds in the SPLOST Fund, shall disburse within 10 business days the SPLOST proceeds due to each Municipality in the separate funds established by each Municipality in accordance with Section 5 of this Agreement, in the following percentages for the following purposes:
  - 0.492% shall be paid to the Town of Brooks to fund the capital outlay projects specified in Exhibit "A;"
  - 14.962% shall be paid to the City of Fayetteville to fund the capital outlay projects specified in Exhibit "A;"
  - 32.247% shall be paid to the City of Peachtree City to fund the capital outlay projects specified in Exhibit "A;" and
  - 6.455% shall be paid to the Town of Tyrone to fund the capital outlay projects specified in Exhibit "A."
- C. Should any Municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as part of the County's share unless an Act of the Georgia General Assembly makes the defunct Municipality part of another successor municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor municipality in addition to all other funds to which the successor municipality may otherwise be entitled.

## **Section 7 - Projects**

All capital outlay projects, to be funded in whole or in part from SPLOST proceeds, are listed in Exhibit

“A” which is attached hereto and made part of this Agreement.

## **Section 8 - Priority and Order of Project Funding**

Projects shall be fully or partially funded and constructed in accordance with the schedule found in Exhibit “A” of this Agreement. Except as provided in Paragraph B and Paragraph C of Section 9 of this Agreement, any change to the priority or schedule must be agreed to in writing by all parties to this Agreement.

## **Section 9 - Completion of Projects**

- A. The County and Municipalities acknowledge that the costs shown for each project described in Exhibit “A” are estimated amounts.
- B. If a County project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit “A,” the County may apply the remaining unexpended funds to any other county project in Exhibit “A.”
- C. If a project of any Municipality has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit “A,” the Municipality may apply the remaining unexpended funds to any other project included for that Municipality in Exhibit “A.”
- D. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be completed or substantially completed within five years after the termination of the SPLOST. Any SPLOST proceeds collected in any year in excess of the following:

Year 2017	\$22,551,394
Year 2018	\$22,923,492
Year 2019	\$23,301,731
Year 2020	\$23,686,208
Year 2021	\$24,077,030
Year 2022	\$24,474,302

shall be divided between the County and Municipalities proportionally, as indicated in Section 6, Paragraph B.

## **Section 10 - Certificate of Completion**

Within thirty (30) days after the acquisition, construction or installation of a project of any Municipality listed in Exhibit “A” is completed, the Municipality owning the project shall file with the County a Certificate of Completion signed by the mayor or chief elected official of the respective Municipality, setting forth the date on which the project was completed, and the final cost of the project.

## **Section 11 - Expenses**

The County shall administer the SPLOST Fund to effectuate the terms of this Agreement and shall be reimbursed for the actual costs of administration of the SPLOST Fund. Furthermore, the County and

Municipalities shall be jointly responsible on a per capita basis for the cost of holding the SPLOST election. The County shall be reimbursed for the costs of the election from each of the municipalities at the following percentages of the total costs of the election:

Town of Brooks	0.492%
City of Fayetteville	14.962%
City of Peachtree City	32.247%
Town of Tyrone	6.455%

## **Section 12 - Audits**

- A. During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each fund of the Municipalities shall be audited annually by an independent certified public accounting firm in accordance with O.C.G.A. § 48-8-121 (a) (2). The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits. The County and the Municipalities agree to cooperate with the independent certified public accounting firm in any audit by providing all necessary information.
- B. Each Municipality shall provide the County a copy of the audit of the distribution and use of the SPLOST proceeds by the Municipality.

## **Section 13 - Notices**

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

### **For Fayette County:**

County Manger  
140 Stonewall Ave., West  
Suite 100  
Fayetteville, GA 30214

### **For the Town of Brooks:**

Mayor, Town of Brooks  
961 Highway 85 Connector  
PO Box 96  
Brooks, Georgia 30205

### **For the City of Fayetteville:**

City Manager  
City Hall  
240 South Glynn St.  
Fayetteville, Georgia 30214

### **For the City of Peachtree City:**

City Manager  
151 Willowbend Road  
Peachtree City, Georgia 30269



**For the Town of Tyrone:**  
Town Manager  
881 Senoia Road  
Tyrone, Georgia 30290

#### **Section 14 - Entire Agreement**

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to distribution and use of the proceeds from the SPLOST. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said SPLOST.

#### **Section 15 - Amendments**

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

#### **Section 16 - Governing Law**

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the laws of the State of Georgia.

#### **Section 17 - Severability**

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

#### **Section 18 - Compliance with Law**

The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations.

#### **Section 19 - No Consent to Breach**

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

#### **Section 20 - Counterparts**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

#### **Section 21 - Mediation**

The County and Municipalities agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as

mediator. Costs of mediation shall be shared equally among the parties to the mediation.

**IN WITNESS WHEREOF**, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County and the Municipalities on the date indicated herein.

**FAYETTE COUNTY, GEORGIA**

(SEAL)

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

ATTEST:

By: \_\_\_\_\_  
Floyd L. Jones, County Clerk

**TOWN OF BROOKS, GEORGIA**

(SEAL)

By: \_\_\_\_\_  
Daniel C. Langford, Jr., Mayor

ATTEST:

By: \_\_\_\_\_  
Kimberly A. Bradley, Town Clerk

**CITY OF FAYETTEVILLE, GEORGIA**

(SEAL)

By: \_\_\_\_\_  
Edward Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Anne Barksdale, City Clerk

**CITY OF PEACHTREE CITY, GEORGIA**

(SEAL)

By: \_\_\_\_\_  
Vanessa Fleisch, Mayor

ATTEST:

\_\_\_\_\_  
Betsy Tyler, City Clerk

**TOWN OF TYRONE, GEORGIA**

(SEAL)

By: \_\_\_\_\_  
Eric Dial, Mayor

ATTEST:

\_\_\_\_\_  
Dee Baker, Town Clerk

## **Exhibit “A”**

The Projects shall consist of County Projects and City Projects”. The County Projects, The City Projects, and their estimated costs are set forth below:

### **County Projects**

Stormwater Projects	\$23,741,641
Transportation	\$19,520,353
E911 Radio System	\$18,211,536
Fire Station #4 & Pumper	\$2,950,000
Woolsey Community Center	\$223,000

### **Town of Brooks**

Julia's Crossing - Paving & Improvements	\$198,000
Butler Road - Paving & Improvements	\$228,000
SR 85 Connector - Sidewalk/curb Improvements	\$162,000
SR 85 Connector/Brooks Rd/Gable Rd Int. Imp.	\$392,000
Hogan Road - Paving & Improvements	\$170,000
Friendship Church Road - Paving & Improvements	\$167,000
Brooks Water System Improvements/Extension Fund	\$60,000

### **City of Fayetteville**

Fire Station 93 – Design & Construction	\$1,000,000
Fire Apparatus	\$3,000,000
Police Vehicles & IT Equipment	\$1,109,000
Wastewater plant Upgrades	\$8,000,000
Debt retirement	\$1,500,000
Road Resurfacing Projects	\$4,550,872
Highway Median Landscaping	\$75,000
Pedestrian Trails & Cart Paths	\$75,000
Highway 54/Hospital bridge	\$600,000
Downtown Road Network	\$500,000
Redwine Road/Ramah Road Roundabout	\$1,200,000
Parks Recreation/Land Acquisition/Greenspace	\$3,400,000

### **City of Peachtree As identified in 2016 Project Manual**

Roads and Streets Resurfacing/Maintenance	\$29,619,180
Multi-Use Path Resurfacing and Extensions	\$9,564,545
Public Safety	\$3,316,110
Parks and Recreation	\$1,023,000
Dam/Spillway Enhancements	\$1,950,000
Tier 2 Projects	\$6,566,566

## **Exhibit A**

### **Town of Tyrone**

State Grant (LMIG, LWCF, LCI) Matching Funds	\$225,000
Debt Services Reduction (GTIB project loans)	\$2,350,000
Sanitary Sewer Connection/Expansion	\$1,700,000
Sidewalks/Paths Expansion (Commerce, Spencer, Palmetto, Swanson) roads	\$500,000
Miniature Roundabout at Palmetto/Spencer/Arrowwood	\$350,000
Handley Park Phase IV Fields and Facilities	\$325,000
Dorothea Redwine Park Multiuse Redevelopment	\$350,000
FDR and Repaving of Powers Court/Senoia Road	\$550,000
Replacement of culverts on Dogwood and Pendleton Trails	\$625,000
Installation of SR74 North on-ramp/Senoia Road Extension	\$400,000
Mill, Patch and Paving of Briarwood and Farr Roads	\$900,000
Gateway and Streetscape Improvements (lighting, signage, landscape)	\$150,000
Town Hall Renovations/ADA compliance improvements	\$275,000
Purchase of Public Safety Patrol Vehicles	\$125,000
Project Overrun Contingency	\$200,000

Infrastructure Preservation and Improvements		Federal/State	SPLOST	Total
A.1	Ebenezer Church Road Bridge Replacement	\$3,062,983	\$659,500	\$3,722,483
A.2	Kenwood Road School Zone	\$0	\$600,000	\$600,000
A.3	Paved Roads, Gravel Roads & Bridges	\$0	\$2,209,273	\$2,209,273
Subtotal A		\$3,062,983	\$3,468,773	\$6,531,756

Federal Aid Corridor Improvements		Federal/State	SPLOST	Total
B.1	Realignment of SR 279 and Corinth Road			
	◦ Scoping Study	\$0	\$64,500	\$64,500
	◦ Design & Construction	\$18,000,000	\$4,500,000	\$22,500,000
B.2	Sandy Creek Road Operational Improvements			
	◦ Scoping Study	\$0	\$71,800	\$71,800
	◦ Design & Construction	\$12,144,000	\$3,036,000	\$15,180,000
B.3	SR 74 Corridor Study Recommendations	\$2,880,000	\$720,000	\$3,600,000
Subtotal B		\$33,024,000	\$8,392,300	\$41,416,300

Intersection Improvements		Federal/State	SPLOST	Total
C.1	Redwine, Bernhard & Peachtree Parkway	\$0	\$1,200,000	\$1,200,000
C.2	Brogdon & New Hope Roads	\$0	\$1,200,000	\$1,200,000
C.3	Ebenezer Church, Ebenezer & Spear Roads	\$0	\$1,500,000	\$1,500,000
C.4	Antioch & Goza Roads	\$0	\$1,070,000	\$1,070,000
C.5	Intersection Safety Improvements	\$0	\$500,000	\$500,000
Subtotal C		\$0	\$5,470,000	\$5,470,000

Pedestrian, Bicycle and Multi-Use Path Projects		Federal/State	SPLOST	Total
D.1	Redwine Road Multi-Use Path	\$1,073,000	\$556,680	\$1,629,680
D.2	Starrs Mill School Tunnel	\$0	\$900,000	\$900,000
D.3	Bike Lanes and Multi-Use Paths	\$0	\$250,000	\$250,000
Subtotal D		\$1,073,000	\$1,706,680	\$2,779,680

Scoping Studies		Federal/State	SPLOST	Total
E.1	Banks Road Scoping Study	\$0	\$47,000	\$47,000
E.2	Tyrone & Palmetto Roads Scoping Study	\$0	\$84,600	\$84,600
E.3	Lees Mill, New Hope & Kenwood Scoping Study	\$0	\$76,600	\$76,600
E.4	Inman Road Scoping Study	\$0	\$59,000	\$59,000
E.5	SR 279 Scoping Study	\$0	\$65,400	\$65,400
E.6	Transportation Studies	\$0	\$150,000	\$150,000
Subtotal E		\$0	\$482,600	\$482,600

Proposed SPLOST Total of Categories A, B, C, D & E		\$37,159,983	\$19,520,353	\$56,680,336
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Eligible but unfunded Federal Aid Corridor Improvement Projects		Federal/State	SPLOST	Total
F.1	Banks Road Operational Improvements	\$12,000,000	\$3,000,000	\$15,000,000
F.2	Tyrone & Palmetto Roads Operational Improvements	\$24,800,000	\$6,200,000	\$31,000,000
F.3	Lees Mill, New Hope & Kenwood Operational Improvements	\$25,600,000	\$6,400,000	\$32,000,000
F.4	Inman Road Operational Improvements	\$14,400,000	\$3,600,000	\$18,000,000
Subtotal F (Unfunded)		\$76,800,000	\$19,200,000	\$96,000,000



## 911 Public Safety Radio System

**Category:** 911 Communications

**Location:** County Wide

**Estimated Cost:** \$18,211,536

### Project Description

Fayette County currently is operating a Motorola 800MHz ASTRO Simulcast system, which was purchased in December 2002. The County Public Safety Radio System consist of a single PSAP with ten (10) workstations; six (6) telecommunicator workstations; and two (2) 911 and CAD workstations able to communicate via radio with the County Sherriff, five (5) local law enforcement agencies, three (3) fire agencies and two (2) emergency medical service providers. The public safety system consists of ten (10) channels and seven (7) cell towers and communicates with approximately 1,800 mobile and portable radios. The primary tower located behind the 911 Center at 110 Volunteer Way. The project was implemented and serviced by Diversified Electronics from Forest Park, Georgia.

The existing public safety radio system contains many components that are nearing their end of life. Fayette County is in the early stages of a comprehensive needs assessment to upgrade and/or replace the existing radio system with state of the art system based on the current market of the industry. Once this is completed, the County will determine which approach is best suited for Fayette County.

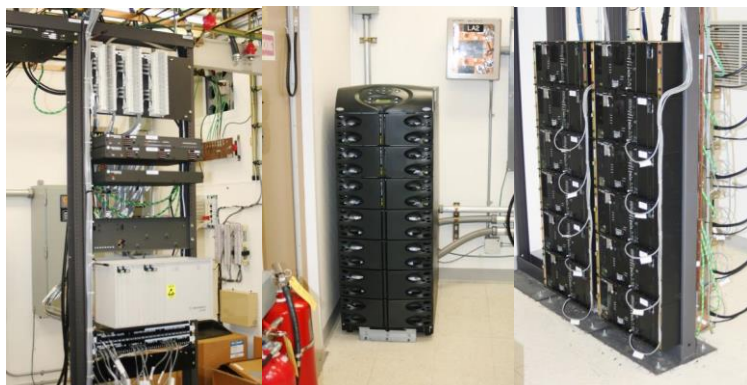
### Porter Road



### Highway 54



### Peachtree City Town Hall



## 911 Communications

### Benefits

To improve the current Motorola 800MHz ASTRO Simulcast radio system with a state of the art system based on the current market of the industry through a phase proposal, to determine which approach is best suited for Fayette County – upgrade and/or replacement.

### Needs Assessment

**Background:** Fayette County currently is operating a Motorola 800MHz ASTRO Simulcast system, which was purchased in December 2002. The County Public Safety Radio System consist of a single PSAP with ten (10) workstations; six (6) telecommunicator workstations; and two (2) 911 and CAD workstations able to communicate via radio with the County Sherriff, five (5) local law enforcement agencies, three (3) fire agencies and two (2) emergency medical service providers. The public safety system consists of ten (10) channels and seven (7) cell towers and communicates with approximately 1,800 mobile and portable radios. The primary tower is located behind the 911 Center at 110 Volunteer Way. The project was implemented and serviced by Diversified Electronics from Forest Park, Georgia.

**Objective:** The existing public safety radio system contains many components that are nearing their end of life. Fayette County is in the early stages of a comprehensive needs assessment to upgrade and/or replace the existing radio system with a state of the art system based on the current market of the industry. Once this is completed, the County will determine which approach is best suited for Fayette County.

The estimated cost to upgrade and/or replace the existing 911 Public Safety Radio System is \$18,211,536, detailed below:

#### 911 Public Safety Radio System – Capital Improvement Program (CIP) Plan

# of Projects	Source Funding	Department	Funding Source	Project Description	Total CIP Plan
7	100	Bldg & Grounds	375	Radio Replacements	71,316
12	100	EMA	375	Radio Replacements	29,800
48	100	Road	375	Radio Replacements	142,091
55	100	Sheriff	375	Radio Replacements (141 Dual Band Mobile)	944,700
56	100	Sheriff	375	Radio Replacements (245 Portable)	1,058,829
66	270	Fire	375	Radio Replacements	562,300
70	272	EMS	375	Radio Replacements	252,500
New	505	Water	505	Radio Replacements	150,000
<b>Radio Replacements</b>					<b>\$3,211,536</b>
57	215	E911	375	Trucked Public Safety Radio System	15,000,000
<b>Public Safety Radio Project</b>					<b>\$15,000,000</b>
<b>911 Public Safety Radio Project</b>					<b>\$18,211,536</b>

The timetable for Fayette County to fully implement this public safety radio system is three years. Outlined below are the expected phases:

Phase	Begin	End	Days	911 Center	Radio(s)
Phase I	01/01/2016	12/31/2016	365	80%	20%
Phase II	12/31/2016	07/01/2017	182	60%	40%
Phase III	07/01/2017	12/31/2017	183	40%	60%
Phase IV	12/31/2017	07/01/2018	182	20%	80%

### **Phase I – Needs Assessment and Request for Proposal (RFP) Development**

Fayette County needs assessment will include all aspects of the public safety community, as we evaluate our mission-critical public safety radio system needs for the future. Public safety radio systems are complex and expensive to upgrade and/or replace. First responders are challenged with critical service delivery and must rely upon sophisticated safety features, such as emergency notification, “caller identification,” and multiple channels or talk groups for each incident response. The scope of service will include the following areas:

- Select a consultant to assist the County in replacing and/or upgrading public safety radio system to meet a deadline of July 1, 2018.
- Meet with stakeholders to document their needs and expectations to gain a complete understanding of the desired functionality for the new system.
- Tour and appraise any physical locations such as tower sites and local emergency service providers if needed to understand elements of the current system and inventory equipment.
- Facilitate discussions and guide decision making process among stakeholders to build consensus around required and optional system elements to maximize stakeholder buy-in.
- Review County’s RFP template and contracting process with the County’s Project Management Team to gain a full understanding of how the County intends to carry out this public procurement.
- Prepare a written scope of work detailing system requirements and specifications in a manner that can be integrated into the County’s RFP template.
- Utilize best practices and professional knowledge of 911 industry to determine and ensure the County’s current and future interoperability requirements are addressed in the scope of work.
- Develop a Scope of Services to solicit the type of critical information from potential Radio System vendors necessary to allow the County to comprehensively evaluate and compare proposals received so as to arrive at an informed decision and recommendation.
- Coordinate and lead any mandatory pre-bid site visits.
- Evaluate the current Motorola 4.1, 800 MHz system including tower sites, radio consoles, mobiles, and portables.



- Determine equipment needs for municipalities to ensure compatibility with the new system on a case by case basis.
- Review existing Motorola service agreements.
- Evaluation of voice and data functionality.
- Evaluation of equipment migration.
- Meeting with all Users groups – interoperability; capacity and expectations.
- Assessment of equipment compliance.
- Optimizing existing radio system – staffing, training, and equipment.

## **Phase II – Proposal Evaluation and Contractor Selection**

- Consultant would be excluding from bidding on public safety radio system and prohibited from colluding with any potential radio system contractors.
- Evaluate and score each proposal based on established evaluation criteria, providing an analysis identifying any advantages or concerns found in any of the proposals.
- Coordinate vendor presentations that may be necessary and independently score and evaluate each presentation and vendor.
- Consultant will be available to interpret, clarify, and discuss material in submitted proposals and presentations, with the proposal evaluation team, and provide professional opinions and advice to the evaluation team throughout the vendor selection process.

## **Phase III – Project Management during System Implementation**

- Conduct, organize, coordinate, and invite stakeholders to a project kickoff meeting with the selected provider.
- Coordinate activities and manage communications between Provider and stakeholders.
- Consultant will provide project management services to County throughout the implementation to ensure Contractor's adherence to the established scope of work, schedule, and budget.
- During implementation, Consultant will prepare and submit a weekly progress report to the County. Updates to provide high level update and schedule of upcoming activities that can easily be copied into regular communications to project stakeholders to be distributed by the County and document action items, responsible parties, and highlight any areas of concern pertaining to the scope of work, schedule, budget, or Contractor performance.
- Address contract obligation issues or concerns that may develop through implementation and work to resolve them.
- Consultant will review all Provider payment request and respond to the County within three (3) business days with an updated financial overview and note to the County affirming invoiced costs are reasonable and cover work which has been performed in accordance with the contract requirements.

- Throughout implementation, Consultant will develop and maintain a punch list of outstanding items that Contractor, County and/or local emergency service providers are held accountable.
- Ensure system testing is conducted and that all training requirements are met.

#### **Phase IV – Post Cut-over Monitoring**

- For three (3) months following cut-over, Consultant will serve as the point of contact to the County and local emergency service providers for reporting all radio system performance issues.
- Consultant will document, prioritize, and investigate each issue, then identify the likely root cause, possible solutions, and the party responsible for resolving the issue. List of resolved and unresolved issues with the above information must be sent to the County on a weekly basis.
- Consultant will work with and coordinate activities of responsible parties to attempt a resolution of each issue reported with the new radio system.
- Consultant is expected to build radio system performance guarantees into the Contractor's scope of work and ensure that Contractor has contractual responsibility and capacity to resolve radio system performance issue and provide routine maintenance to the system in a timely manner.
- At the end of three (3) months monitoring period following cut-over, Consultant will provide a final report to the County documenting the status of all issues reported since cut-over. Any outstanding issues must have the root cause, potential solution and responsible party documented.
- Based on this report, with mutual agreement in writing, the County and Consultant may extend this contract to allow Consultant to continue coordinating efforts with responsible parties to resolve any outstanding issues.

## **Fire Station Relocation – Station #4**

**Category:** Fire & Emergency Services

**Location:** McElroy Road, near  
McDonough Road

**Estimated Cost:** \$2,405,160

### **Project Description**

Current facilities are not conducive to maintaining the work environment required for a modern Fire & EMS operation. This station currently has roof leaks in multiple areas affecting the bays and bunk room areas. The station was originally equipped with a sump/trap bay drain system. This bay drain system was ineffective in removing water and allows stagnant water to sit thus creating a health hazard and has since been abandoned and sealed for the betterment of all parties.

Station #4 covers 12.31 sq. miles of a fire response territory. Medic 4 covers 27.5 sq. miles of EMS territory. Units responding from #4 make up 19% of the annual responses. Within this territory there are three designated state highways, the largest recreation complex within the county hosting football, soccer, baseball and softball along with the densest population for EMS response. This territory is primarily east of Fayetteville to the Clayton County line. From the current station location (175 Johnson Avenue) the fire engine (Engine 4) must respond 3-4 minutes to reach the edge of the majority of the assigned response area. The current location was never a good location but was the result of a volunteer system with donated land. The new location better serves all the citizens as demonstrated by analytical data using GIS maps and geocoding where incidents occur.

## **Existing Conditions**

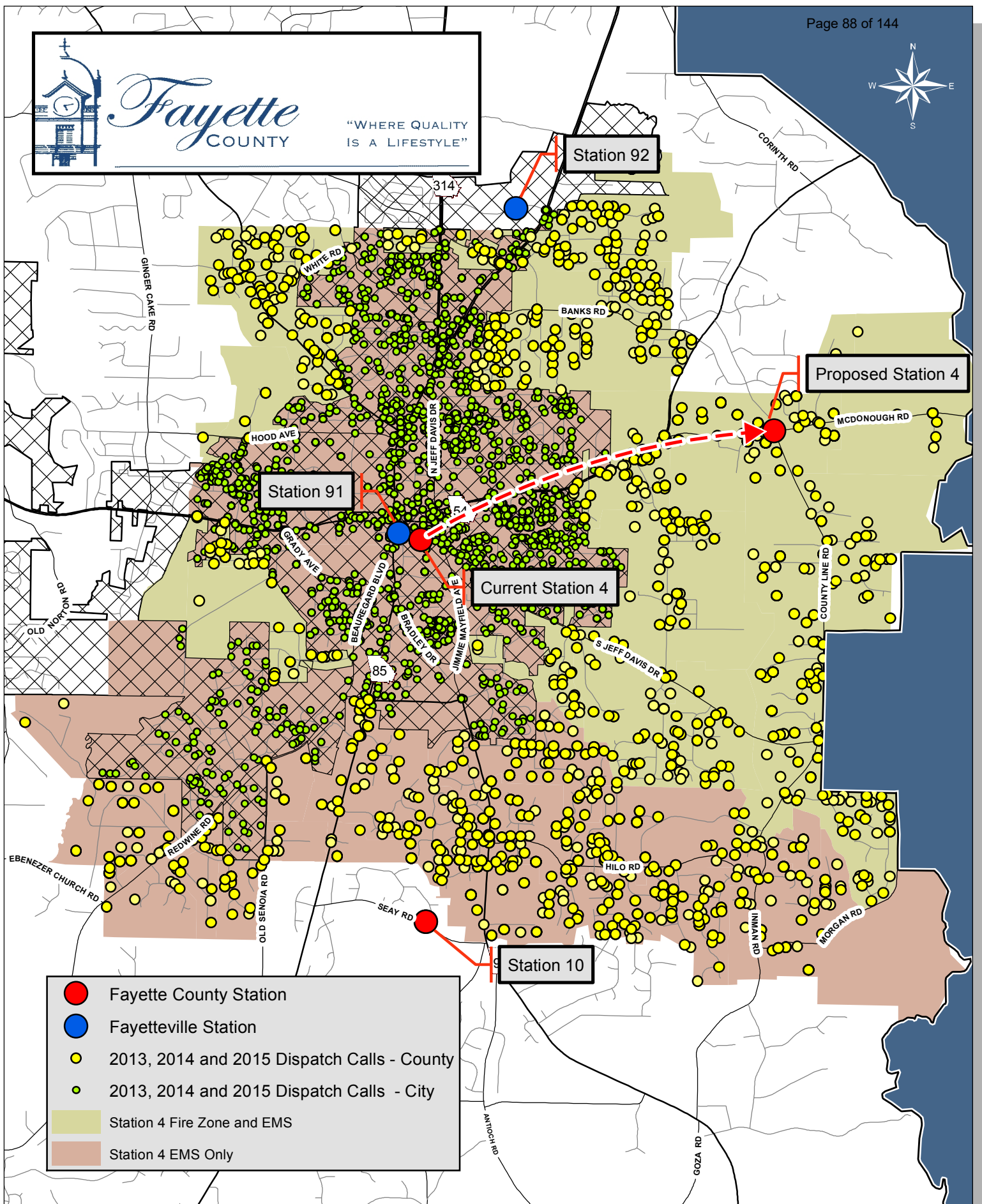


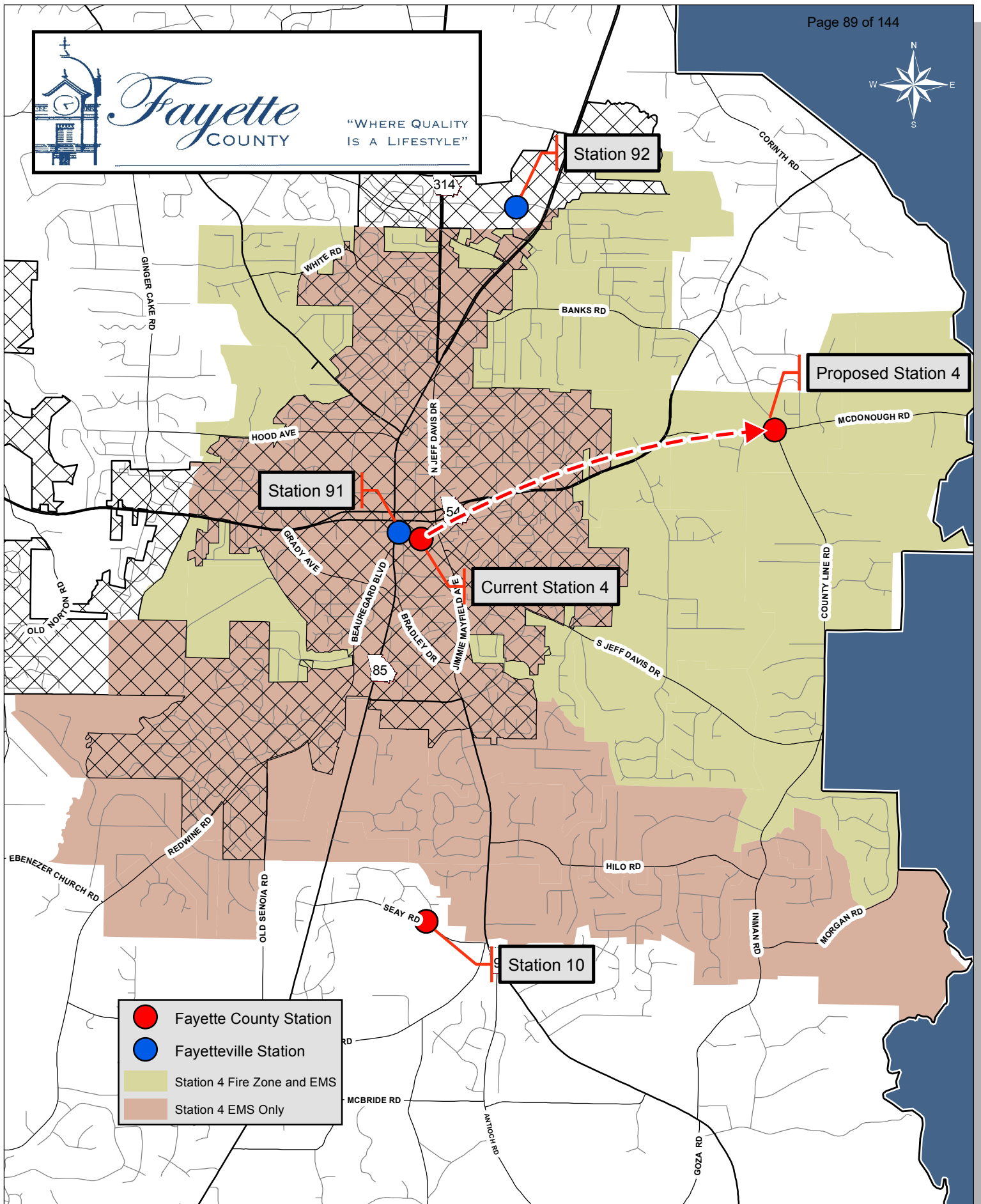
Fire Station #4 on Johnson Avenue was constructed in 1978 as a fire and EMS facility for use by volunteers. Additional space was added in 1982 to house the 911 Center and Fire & EMS Headquarters. This building now houses Fire Station #4 and the Public Defender's office. The station was originally not designed to house the number of apparatus or personnel currently assigned and have been remodeled on numerous occasions.

## **Proposed Project**



The proposed location will strategically place the station in the best location to achieve the recommended response times to all locations within the territory. The new station site is on McElroy Rd. near the McDonough Rd. intersection. Access to the recreation areas will be within 2-3 minutes from the new location and this location will allow for timely responses to all portions of the Station 4 fire & EMS territory with good access to the east bypass road for responses to the north/south ends of the county.





SPLOST 2017 Fire Station 4



## Replacement Fire Pumper

**Category:** Fire & Emergency Services

**Estimated Cost:** \$394,070

### Project Description

Replacement of a 1991 Emergency One Pumper, fleet vehicle # 93251 with a modern Custom Cab pumper. At 25 years old this unit has served Fayette County very well. This unit is experiencing some long term downtime based on maintenance issues with the fire pump, transmission and motor. Due to the availability of parts the air conditioning on this unit was deemed non-repairable several years ago.

The replacement for this unit would be of similar design and function and meet the current standards as established by the National Fire Protection Association. For firefighter safety it is equipped with a fully enclosed custom cab. To meet the firefighting demands of the County it will be equipped with a 1500 gallon per minute pump, 750 gallon on-board water tank, fire hose capacity of 1100' of 4" hose, 400' of 1.75", and ground ladders of 24', 14', and 10' in length. This pumper would be equipped with medical supplies and equipment to respond to all medical calls in the assigned area.

## Existing Conditions



1991 Emergency One Fire Pumper

## Proposed Project



Custom Cab Fire Pumper

## **Fire Training Center & Contingency**

**Category:** Fire & Emergency Services

**Location:** Links Training Facility

**Estimated Cost:** \$150,770

### **Project Description**

The first phase of this project is the initial design of the utilities, (water lines/power), road layout, and the site development plan for the future construction.

The current fire training facility begins in 1984 with the construction of the fire training building. The site also houses a training tower and portable classroom building.

Additional design phases in the future would include a modern fire training building with training tower, driver training site, pump training site, LP/natural gas training area, vehicle extrication area, breathing apparatus course, and storage building for required equipment and apparatus.

## **Existing Conditions**



## **Proposed Project**



## FIRE & EMERGENCY SERVICES

### Benefits

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- Improve the service delivery to the Station 4 response area.
- Replacement of an aging unit that has greatly increased maintenance costs and has unrepairable components.
- Provide a modern fire and EMS training facility for emergency responders.

### Needs Assessment

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Fire & Emergency Services has allocated their SPLOST portion to fund three proposed projects.

Fire Station Relocation – Station #4	\$2,405,160
Replacement Fire Pumper	\$394,070
Fire Training Center & Contingency	\$150,770
<b>SPLOST Allocation Portion</b>	<b>\$2,950,000</b>

### Fire Station Relocation – Station #4

**Purpose:** The purpose of this project is to re-locate and reconstruct Fire & Emergency Services Station #4.

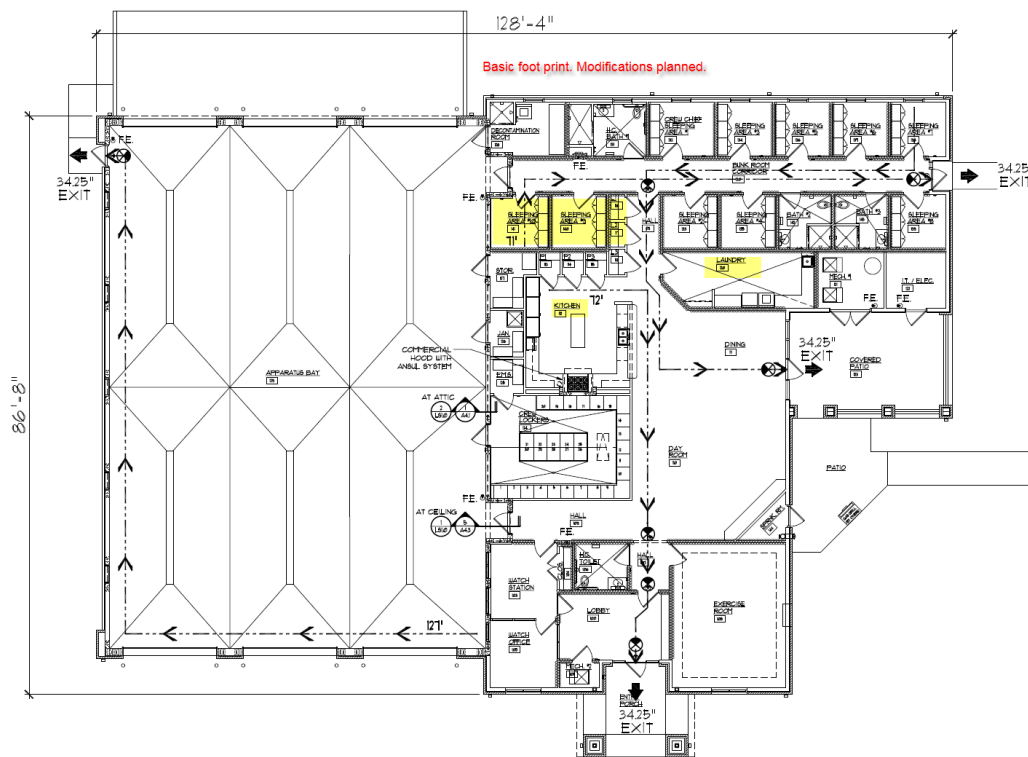
**Objective:** Improve the service delivery to the Station 4 response area. To provide appropriate space to house personnel and apparatus to meet the demands of the community to best serve the citizens and build a facility which will have a life expectancy of at least 50 years.

**Background:** Fire Station #4 on Johnson Avenue was constructed in 1978 as a fire and EMS facility for use by volunteers. Additional space was added in 1982 to house the 911 Center and Fire & EMS Headquarters. This building now houses Fire Station #4 and the Public Defender's office. The station was originally not designed to house the number of apparatus or personnel currently assigned and have been remodeled on numerous occasions.

Current facilities are not conducive to maintaining the work environment required for a modern Fire & EMS operation. This station currently has roof leaks in multiple areas affecting the bays and bunk room areas. The station was originally equipped with a sump/trap bay drain system. This bay drain system was ineffective in removing water and allows stagnant water to sit thus creating a health hazard and has since been abandoned and sealed for the betterment of all parties.



Demonstrated on the accompanying maps are the locations of calls occurring during the past three years. These maps, referred to as “Heat” maps, show the calls and their concentration. These concentrations are a great display of sites that require increased fire & EMS responses and are great predictors of future resource allocation needs.



### **Replacement Fire Pumper**

**Purpose:** The purpose of this project is to replace the 1991 Emergency One Pumper.

**Objective:** Replace an aging unit that has greatly increased maintenance costs and has unrepairable components.

**Background:** Replacement of a 1991 Emergency One Pumper, fleet vehicle # 93251 with a modern Custom Cab pumper. At 25 years old, this unit has served Fayette County very well. This unit is experiencing some long term downtime based on maintenance issues with the fire pump, transmission and motor. Due to the availability of parts, the air conditioning on this unit was deemed non-repairable several years ago.

The replacement for this unit would be of similar design and function and meet the current standards as established by the National Fire Protection Association. For firefighter safety, it is equipped with a fully enclosed custom cab. To meet the firefighting demands of the County, it will be equipped with a 1500 gallon per minute pump, 750 gallon on-board water tank, fire hose capacity of 1100' of 4" hose, 400' of 1.75", and ground ladders of 24', 14', and 10' in length. This pumper would be equipped with medical supplies and equipment to respond to all medical calls in the assigned area.

### **Fire Training Center & Contingency**

**Purpose:** The purpose of this project is to complete the initial phase of constructing a new fire training center.

**Objective:** Provide a modern fire and EMS training facility for emergency responders.

**Background:** The first phase of this project is the initial design of the utilities, (water lines/power), road layout, and the site development plan for the future construction.

The current fire training facility begins in 1984 with the construction of the fire training building. The site also houses a training tower and portable classroom building.

Additional design phases in the future would include a modern fire training building with training tower, driver training site, pump training site, LP/natural gas training area, vehicle extrication area, breathing apparatus course, and storage building for required equipment and apparatus.

## The Woolsey Project

**Category:** Town of Woolsey

**Location:** Highway 92 South,  
downtown Woolsey

**Estimated Cost:** \$223,000

### Project Description

The smallest town in Fayette County, Woolsey was the original boom town. The historic Woolsey Mercantile Building was gifted by Ms. Josephine Ballard to the Town of Woolsey to be used for the good of the community. The building is located on Highway 92 South, in downtown Woolsey, and had over time served as a store and a general gathering place for the residents.

The Town of Woolsey desires to once again be a gathering place for residents and the County at large. This restoration project will create a place for people to meet, observe history, and enjoy a restful environment. This will give the south part of Fayette County a destination for residents and visitors. The historic Woolsey Mercantile Building will serve the community at large and the residents of Woolsey, while focusing on the values and future vision of the Town of Woolsey.

## Existing Conditions



Historic Mercantile Building

## Proposed Project



Completed Restoration Project

## Town of Woolsey

### Benefits

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The smallest town in Fayette County, Woolsey was the original boom town. The Town of Woolsey desires to once again be a gathering place for residents and for the County at large. This restoration project will give the south part of Fayette County a destination for residents and visitors by:

- Creating a place for people to gather and hold meetings
- Restoring a historic building and establishing a location to observe history
- Establishing a restful environment for people to enjoy

### Needs Assessment

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#### The Woolsey Project

**Background:** The historic Woolsey Mercantile Building was gifted by Ms. Josephine Ballard to the Town of Woolsey to be used for the good of the community. The building is located on Highway 92 South, in downtown Woolsey, and had over time served as a store and a general gathering place for the residents.

The Woolsey Mayor and Town Council received estimates and bids on the restoration of the building. Barnard & Associates Remodeling, Inc., who has restored a good many historical homes in Fayette County, was chosen for the project. The total project cost will be approximately \$223,000, which will include total interior and exterior restoration – landscaping and furnishings. Barnard & Associates Remodeling, Inc. plans to preserve the original look and feel of the building in a cost effective manner.

**Objective:** The historic Woolsey Mercantile Building will serve the community at large and the residents of Woolsey, while focusing on the values and future vision of the Town of Woolsey.

#### Need for The Woolsey Project

The mercantile building will serve the community at large through:

- Community Center: There are few places available in the County to use for meeting space. Proceeds will be used for ongoing upkeep and expenses.
  - Meeting place for civic groups, social organizations and clubs
  - Hub for Woolsey events and fundraisers
  - Affiliations may rent the facility

- Fayette County Museum: Displays for groups and individuals to tour. There is only one other museum in Fayette County.
  - Artifacts, archives, artwork
- Visitor's Welcome Center: Visitors can stop by for information on the Town of Woolsey and other historic Fayette County sites of interest. There is not a visitor's center on the south end of the County.

The mercantile building will serve the residents of Woolley through:

- Town Hall: Woolsey Council meetings and Town Hall meetings will be held in the restored building providing plenty of room for the public to attend. At this time, the meetings are in a very small space with very little capacity.
- Growth and Sustainability: With new landscaping, flowers, and shrubbery, the newly restored building will beautify the downtown area, which will draw potential new residents to Woolsey and help maintain property values.
- Pride and Honor: The restored building will give the Woolsey residents a sense of pride in their community; therefore honoring its place in history, original Woolsey residents, and roles they served in making Fayette County what it is today.

### **Vision and Values**

The smallest town in Fayette County, Woolsey was the original boom town. The Town of Woolsey desires to once again be a gathering place for residents and the County at large. This restoration project will create a place for people to meet, observe history, and enjoy a restful environment. This will give the south part of Fayette County a destination for residents and visitors.

### **Community Impact**

Community spaces are needed in all economic development plans. The restoration project will bring a diverse group of people working together towards a goal of preserving history and creating gathering spaces. Boy Scout groups, Rotary and other civic clubs, church groups, school groups working on projects, Rose clubs, Master Gardener clubs, and historical societies will be invited to play a part in completing the project. The media exposure that Woolsey, Fayette County, and residents receive will establish an excellent public relation and rapport for living in Fayette County.

The Woolsey government will have an appropriate place to conduct business, and the residents will have a place where they feel comfortable attending and participating in Town Meetings.

Long term, The Woolsey Project could deepen relationships in the community and pave the way towards other restoration and community projects.

The estimated cost to restore the mercantile building and complete The Woolsey Project is \$223,000, detailed below:

The Woolsey Project		
ACTION ITEMS - TASKS	COST	NOTES
<b>Phase 1 - The Woolsey Project</b>		
Permit and Fees		
Architecture and Engineering	\$2,800.00	
Lift Building and Foundation Work		
Remove all interior wall boards	\$850.00	Demolition
Support and raise building	\$18,500.00	Materials to lift building
Install footings and piers	\$4,822.00	18 yards of concrete
Waterproof and drain foundation	\$1,400.00	
Install walls in pier supports	\$4,485.00	
Lower building to new foundation	\$8,500.00	
Correct floor system to code	\$9,427.30	
Rack building plumb and correct framing to engineer's design	\$3,845.00	
Add supports for ceiling and roof	\$4,890.00	
Clean Up, Trash Removal, Dump Fees	\$1,200.00	
Company Overhead - Supervision Profit	\$7,589.91	
Builders Margin	\$7,589.91	
<b>Total Cost of Phase 1</b>	<b>\$75,899.12</b>	
<b>Phase 2 - The Woolsey Project</b>		
Entry Doors	\$2,485.40	New front and back door
Windows	\$2,000.00	Budget for rebuilding or replacement
Plumbing	\$2,880.00	2 half baths - ADA compliant
Heating/Air Condition	\$3,850.00	
Electrical	\$5,291.00	Service build
Recess Can Lighting	\$1,300.00	20 recess cans
Roofing	\$8,250.00	Metal roof - similar to current
Insulation	\$8,450.00	Foam floor, ceiling, walls R13
Paint Exterior	\$2,750.00	
Siding Repair and Replacement	\$6,500.00	
Soffit and Fascia	\$2,940.00	
Gutter	\$1,150.00	
Replace Front Porch	\$4,661.25	Replace front floor, roof, columns, and ADA ramp
Clean Up, Trash Removal, Dump Fees	\$2,000.00	

Company Overhead - Supervision Profit	\$6,813.46
Builders Margin	\$6,813.46

<b>Total Cost of Phase 2</b>	<b>\$68,134.57</b>
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<b>Phase 3 - The Woolsey Project</b>
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Water Meter and Water Line	\$2,450.00	
Septic System	\$3,500.00	
Plumbing Trim	\$2,200.00	
Heating/Air Condition Trim	\$2,150.00	
Electrical Trim	\$1,764.00	
Recess Can LED Trims	\$590.00	
Finish Carpentry	\$9,466.32	Interior walls, ceiling, doors, and trim
Finish Carpentry Labor	\$7,500.00	
Paint Interior	\$5,200.00	Stain and seal interior wood or paint
Tile/Marble	\$1,536.00	Bathroom floors
Floor Coverings	\$12,237.75	Pine hardwood floors
Cabinets	\$800.00	Bathroom
Hardware and Mirrors	\$2,200.00	Grab bar, mirrors, locks, soap dispenser, toilet paper holders, and other misc. items
Exterior Railing	\$1,650.00	Wrought iron - ADA ramp
Clean Up, Trash Removal, Dump Fees	\$1,200.00	
Final Clean of Entire Building	\$400.00	
Company Overhead - Supervision Profit	\$6,855.51	
Builders Margin	\$6,855.51	

<b>Total Cost of Phase 3</b>	<b>\$68,555.09</b>
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<b>Total Cost of Phases 1-3</b>	<b>\$212,588.78</b>
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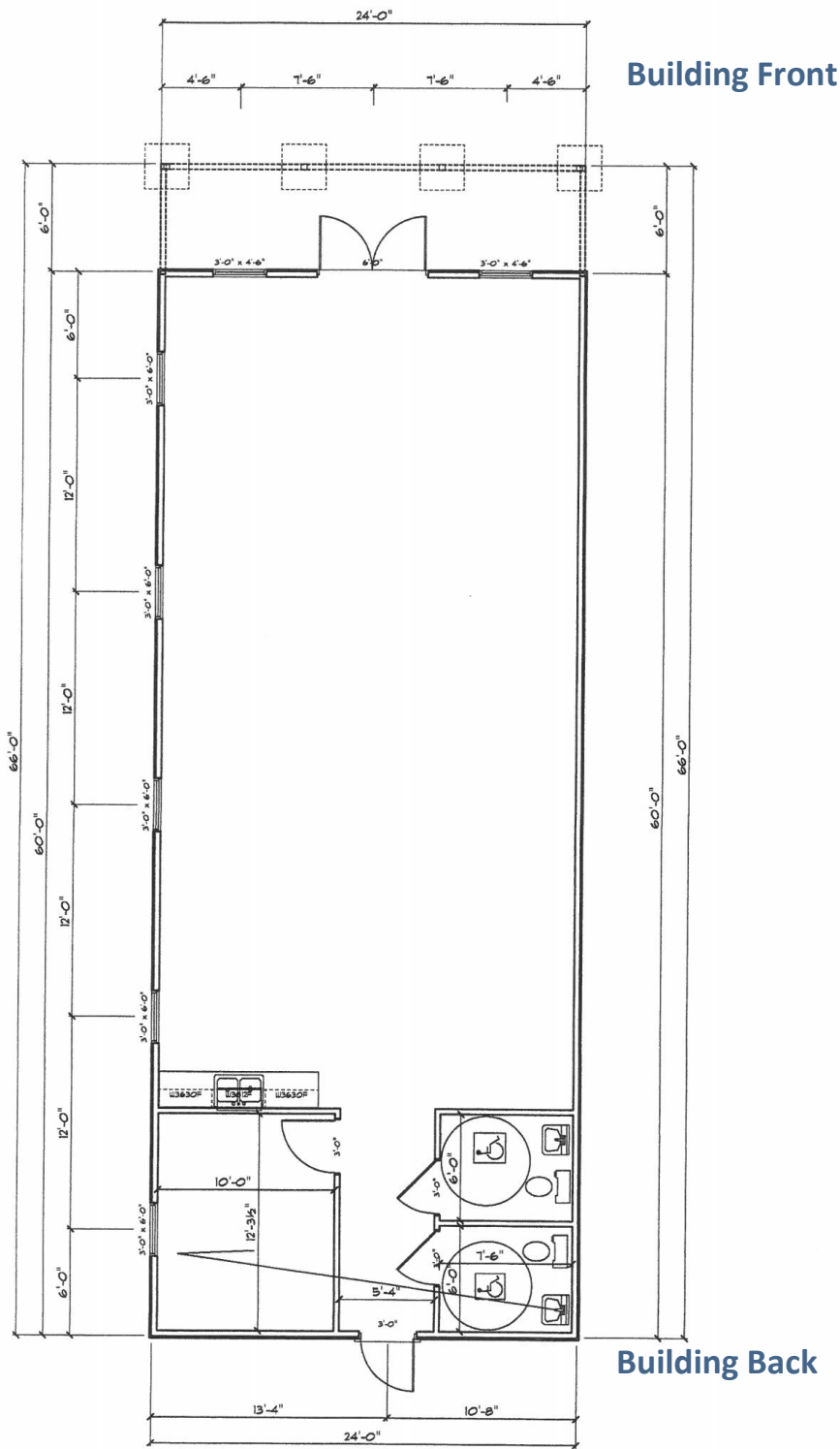
<b>Phase 4 - The Woolsey Project</b>
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Exterior Work	
Gravel parking area	\$1,000.00
Landscaping	\$750.00
Signage	\$1,000.00
Interior Furnishings	
Folding chairs (75)	\$1,500.00
Folding tables (10 to 6 ft.)	\$500.00
Display cases (2-3x4x5, wood, glass)	\$5,000.00
Refrigerator	\$500.00

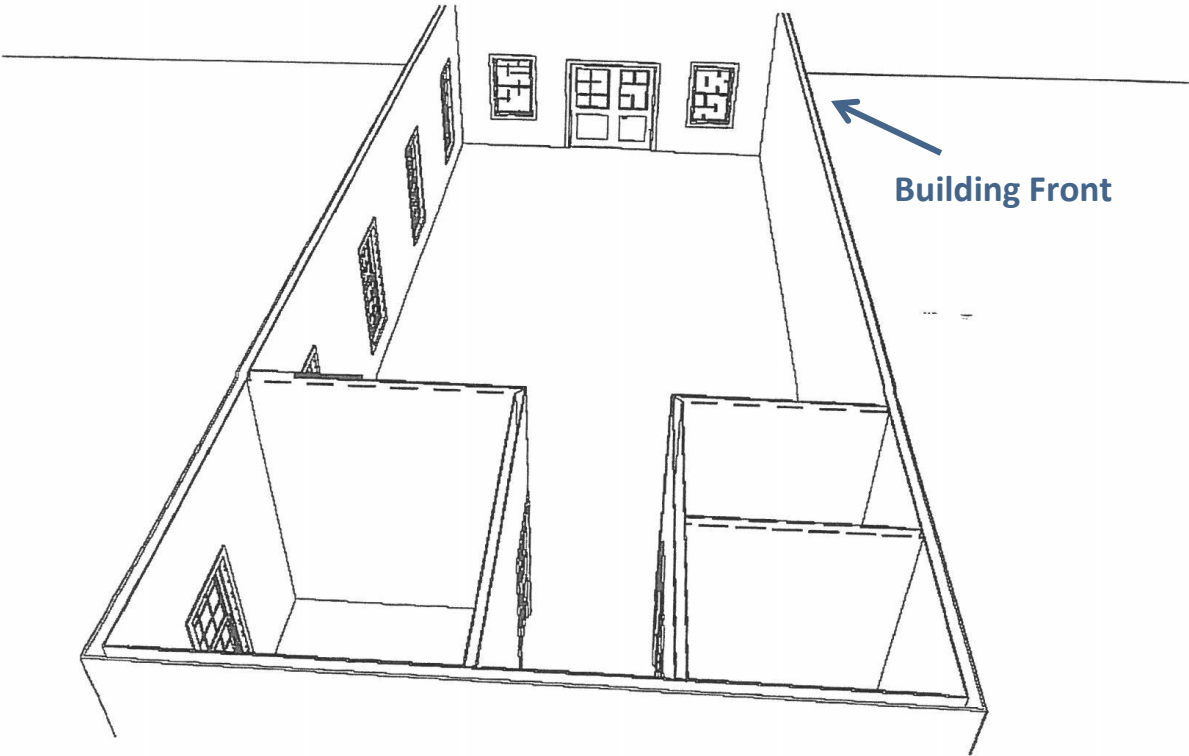
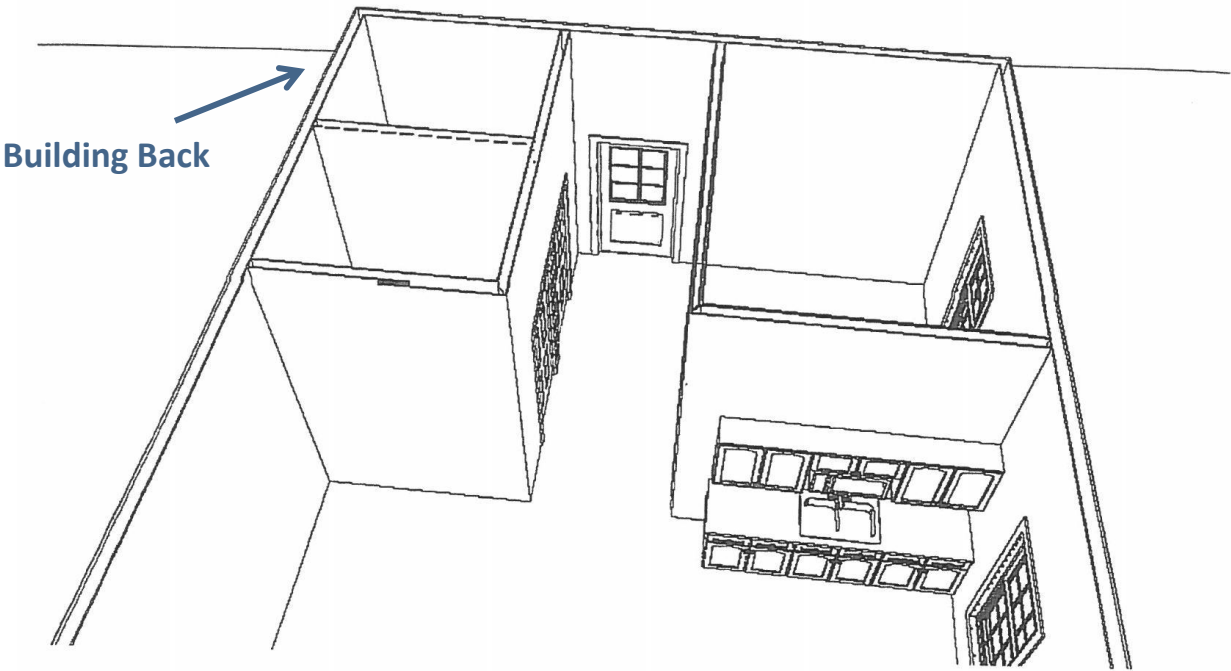
<b>Total Cost of Phase 4</b>	<b>\$10,250.00</b>
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<b>Total Project Cost</b>	<b>\$222,838.78</b>
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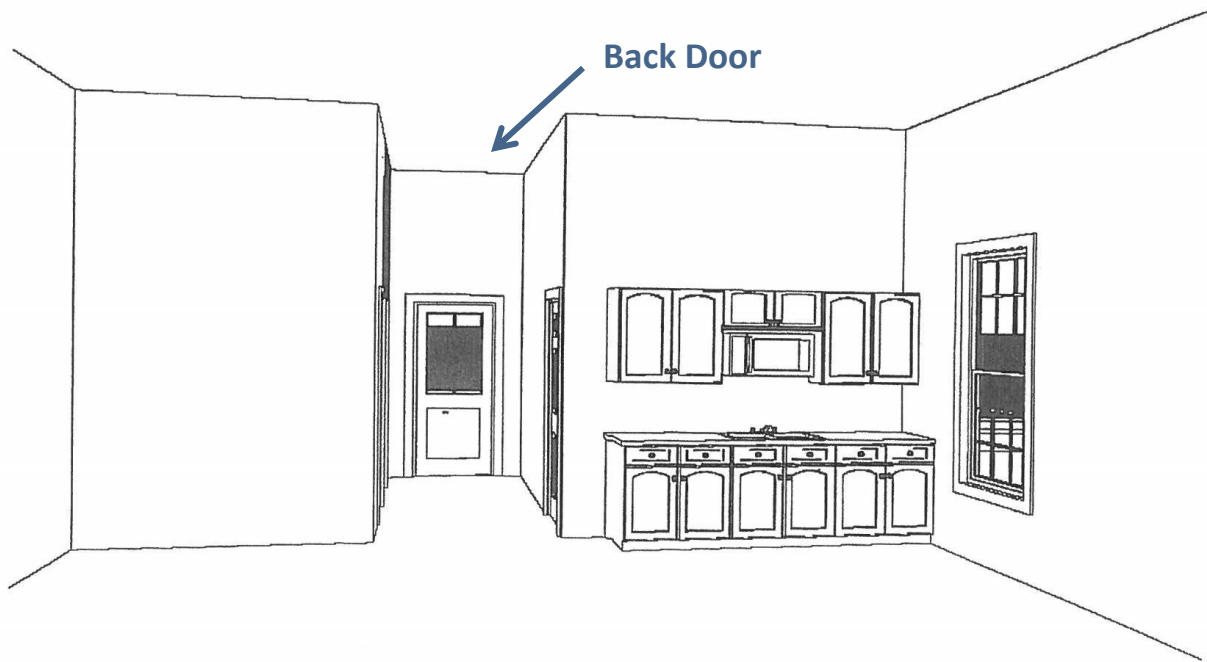
Design Plans











# COUNTY AGENDA REQUEST

Page 104 of 144

Department: Legal

Presenter(s): Attorney Dennis Davenport

Meeting Date: November 10, 2016

Type of Request: New Business #13

## Wording for the Agenda:

Consideration of the adoption of Ordinance 2016-21 to insert provisions pertaining to definition and to revise provisions pertaining to the operation of a vessel by a minor.

## Background/History/Details:

At the August 25, 2016 Board of Commissioners meeting, the Board unanimously approved to "direct staff to explore the possibility of bringing back to the Board a set of ordinance amendments that are aligned with state law for approval and to look at a possibility of a legislative remedy for the January session at which time there can be exemptions created for the rowing program and paddling and to have the Parks and Recreation program explore paddling and water safety courses." Ordinance 2016-21 is in response to this motion.

A red lined version of the ordinance is provided and is identified as Exhibit "A" of the request.

## What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2016-21 to insert provisions pertaining to definition and to revise provisions pertaining to the operation of a vessel by a minor.

## If this item requires funding, please describe:

Has this request been considered within the past two years? ☐

If so, when? ☐

Is Audio-Visual Equipment Required for this Request?\* ☐

Backup Provided with Request? ☐

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance ☐ Not Applicable

Reviewed by Legal ☐

Approved by Purchasing ☐ Not Applicable

County Clerk's Approval ☐ Yes

Administrator's Approval ☐

## Staff Notes:

**“EXHIBIT A”**

**ORDINANCE 2016-21**

**REDLINED**

(OPERATION OF A VESSEL BY A MINOR)

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2016-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO INSERT PROVISIONS PERTAINING TO DEFINITION; TO REVISE PROVISIONS PERTAINING TO THE OPERATION OF A VESSEL BY A MINOR; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO OFFENSES AND MISCELLANEOUS PROVISIONS (CHAPTER 16), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding a definition to Section 18-49, pertaining to “Definitions” of Article II and concerning Lake Kedron; of Chapter 18, to read as follows:

**Sec. 18-49.**

*Accompanied by* means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors or drugs to a degree that it would violate any applicable law if said person were operating the vessel.

**Section 2.** By deleting Section 18-52(b), pertaining to “Miscellaneous” provisions of Article II and concerning Lake Kedron; of Chapter 18, in its entirety, and by replacing it with a new, Section 18-52(b), of Article II of Chapter 18, to read as follows:

~~Sec. 18-52. – Miscellaneous.~~

~~(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake Kedron. No person under the age of 14 years old shall be allowed in or upon Lake Kedron unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.~~

Sec. 18-52. – Miscellaneous.

(b) Any person age 12 through 15 may operate a vessel which is electronically, wind or manually powered upon Lake Kedron provided that such person:

1) Is accompanied by an adult 18 years of age or older who is authorized to operate the vessel; or

2) Has completed a boating education course approved by the Department.

**Section 3.** By adding a definition to Section 18-90, pertaining to “Definitions” of Article II and concerning Starr’s Mill; of Chapter 18, to read as follows:

**Sec. 18-90.**

*Accompanied by* means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors or drugs to a degree that it would violate any applicable law if said person were operating the vessel.



**Section 4.** By deleting Section 18-93(b), pertaining to “Miscellaneous” provisions of Article II and concerning Starr’s Mill; of Chapter 18, in its entirety, and by replacing it with a new, Section 18-93(b), of Article II of Chapter 18, to read as follows:

~~Sec. 18-93. — Miscellaneous.~~

~~(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Starr's Mill. No person under the age of 14 years old shall be allowed in or upon Starr's Mill unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.~~

Sec. 18-93. — Miscellaneous.

(b) Any person age 12 through 15 may operate a vessel which is electronically, wind or manually powered upon the waters of Starr’s Mill provided that such person:

1) Is accompanied by an adult 18 years of age or older who is authorized to operate the vessel; or

2) Has completed a boating education course approved by the Department.

**Section 5.** By adding a definition to Section 18-132, pertaining to “Definitions” of Article II and concerning Lake Horton; of Chapter 18, to read as follows:

**Sec. 18-132.**

*Accompanied by* means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors or drugs to a degree that it would violate any applicable law if said person were operating the vessel.



**Section 6.** By deleting Section 18-135(b), pertaining to “Miscellaneous” provisions of Article II and concerning Lake Horton; of Chapter 18, in its entirety, and by replacing it with a new, Section 18-135(b), of Article II of Chapter 18, to read as follows:

~~Sec. 18-135. – Miscellaneous.~~

~~(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake Horton. No person under the age of 14 years old shall be allowed in or upon Lake Horton unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.~~

Sec. 18-135. – Miscellaneous.

(b) Any person age 12 through 15 may operate a vessel which is electronically, wind or manually powered upon Lake Horton provided that such person:

1) Is accompanied by an adult 18 years of age or older who is authorized to operate the vessel; or

2) Has completed a boating education course approved by the Department.

**Section 7.** By adding a definition to Section 18-176, pertaining to “Definitions” of Article II and concerning Lake McIntosh; of Chapter 18, to read as follows:

**Sec. 18-176.**

*Accompanied by* means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors or drugs to a degree that it would violate any applicable law if said person were operating the vessel.

**Section 8.** By deleting Section 18-179(b), pertaining to “Miscellaneous” provisions of Article II and concerning Lake McIntosh; of Chapter 18, in its entirety, and by replacing it with a new, Section 18-179(b), of Article II of Chapter 18, to read as follows:

~~Sec. 18-179. — Miscellaneous.~~

~~(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake McIntosh. No person under the age of 14 years old shall be allowed in or upon Lake McIntosh unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.~~

**Sec. 18-179. – Miscellaneous.**

(b) Any person age 12 through 15 may operate a vessel which is electronically, wind or manually powered upon Lake McIntosh provided that such person:

- 1) Is accompanied by an adult 18 years of age or older who is authorized to operate the vessel; or
- 2) Has completed a boating education course approved by the Department.

**Section 9.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 10.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 11.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

Page 112 of 144

Department: Legal

Presenter(s): Attorney Dennis Davenport

Meeting Date: Thursday, November 10, 2016

Type of Request: New Business #14

## Wording for the Agenda:

Consideration of the approval to present Resolution 2016-16; Title Ad Valorem Tax in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## Background/History/Details:

The proposed Legislative Package consists of Resolution 2016-16; Title Ad Valorem Tax (TAVT); collections for local governments may not be reduced by operation of law.

## What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2016-16; Title Ad Valorem Tax in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2016-\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REQUEST THAT THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA ENACT AN AMENDMENT TO O.C.G.A. § 48-5C-1 TO PROVIDE THAT TITLE AD VALOREM TAX COLLECTIONS FOR LOCAL GOVERNMENTS MAY NOT BE REDUCED BY OPERATION OF LAW; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, the title ad valorem tax (“TAVT”) was instituted by the General Assembly in 2013 to be assessed on the purchase of motor vehicles; and

**WHEREAS**, a new chapter in Title 48 was added to the Official Code of Georgia Annotated, Chapter 5C, containing the manner in which the TAVT would be implemented; and

**WHEREAS**, O.C.G.A. § 48-5C-1 provides, among other things, that the state revenue commissioner may reduce the local government share of TAVT collections by operation of law; and

**WHEREAS**, Fayette County, and all other local governments collecting TAVT desire a more predictable manner in which such taxes are collected; and

**WHEREAS**, the Board of Commissioners believes that a more structured phase-in of the local government share of the TAVT which does not include a formula by which the state revenue commissioner may reduce the local government share of the TAVT better enables the local governments to have a more reliable revenue stream for budgeting and other purposes; and

**WHEREAS**, draft legislation has been prepared by Fayette County which would help produce a more reliable method of assessing the TAVT for local governments such as Fayette County, such draft legislation is attached hereto as Exhibit “A” with said Exhibit “A” being incorporated herein by this reference.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby requests that the General Assembly adopt legislation substantially the same as is shown in Exhibit “A” amending O.C.G.A. § 48-5C-1 to remove the provision which allows the state revenue commissioner to reduce the local government share by operation of law.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

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County Attorney

ALTERNATIVE AD VALOREM TAX  
ON MOTOR VEHICLES

No. \_\_\_\_ (House Bill No. \_\_\_\_)

AN ACT

To amend Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to the alternative ad valorem tax on motor vehicles, so as to remove the provision which allows the state revenue commissioner to reduce the local government share of the title ad valorem tax by operation of law; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to the title ad valorem tax on motor vehicles, is amended by striking certain language from subsection (b) (1) (B) (vii) – (xi) to read as follows:

(vii) For the 2017 tax year, ~~except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph,~~ the state title ad valorem tax shall be at a rate equal to 44 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax rate shall be at a rate equal to 56 percent of the tax rate specified in division (ii) of this subparagraph.

(viii) For the 2018 tax year, ~~except as otherwise provided in division (xiii) of this subparagraph,~~ the state title ad valorem tax shall be at a rate equal to 40 percent of the tax



rate specified in division (ii) of this subparagraph, and the local title ad valorem tax rate shall be at a rate equal to 60 percent of the tax rate specified in division (ii) of this subparagraph.

(ix) For the 2019 tax year, ~~except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph,~~ the state title ad valorem tax shall be at a rate equal to 36 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax rate shall be at a rate equal to 64 percent of the tax rate specified in division (ii) of this subparagraph.

(x) For the 2020 tax year, ~~except as otherwise provided in division (xiii) of this subparagraph,~~ the state title ad valorem tax shall be at a rate equal to 34 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax rate shall be at a rate equal to 66 percent of the tax rate specified in division (ii) of this subparagraph.

(xi) For the 2021 tax year, ~~except as otherwise provided in division (xiii) of this subparagraph,~~ the state title ad valorem tax shall be at a rate equal to 30 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax rate shall be at a rate equal to 70 percent of the tax rate specified in division (ii) of this subparagraph.

## SECTION 2.

Said Code Section is further amended by striking and adding certain information to subsection (b) (1) (B) (xiii), and by striking certain information from subsection (b) (1) (B) (xiv), to read as follows:

(xiii) ~~Beginning in 2016, by~~ By not later than January 15 of each tax year through the 2022 tax year, the state revenue commissioner shall determine the local target collection amount and the local current collection amount for the preceding calendar year. If such local current collection amount is greater than, equal to, or within 1 percent of the local target collection amount, then the state title ad valorem tax rate and the local title ad valorem tax rate for such tax year shall remain at the rate specified in this subparagraph for that year. ~~If the local current collection amount is more than 1 percent greater than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be reduced automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current collection amount would have produced an amount equal to the local target collection amount, and the state title ad valorem tax rate for such tax year shall be increased by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph.~~ If the local current collection amount is more than 1 percent less than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current collection amount would have produced an amount equal to the local target

collection amount, and the state title ad valorem tax rate for such tax year shall be reduced by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph. In the event of an adjustment of such ad valorem tax rates, by not later than January 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted rate amounts. The effective date of such adjusted rate amounts shall be January 1 of such tax year.

(xiv) In tax years ~~2015~~, 2018, and 2022, by not later than July 1 of each such tax year, the state revenue commissioner shall determine the state target collection amount and the state current collection amount for the preceding calendar year. If such state current collection amount is greater than, equal to, or within 1 percent of the state target collection amount after making the adjustment, if any, required in division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall remain at the rate specified in such division. If the state current collection amount is more than 1 percent less than the state target collection amount after making the adjustment, if any, required by division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the state current collection amount would have produced an amount equal to the state target collection amount, and the state title ad valorem tax rate and the local title ad valorem tax rate for the tax year in which such increase in the combined state and local title ad valorem tax rate shall become effective

shall be adjusted from the rates specified in this subparagraph or division (xiii) of this subparagraph for such tax year such that the proceeds from such increase in the combined state and local title ad valorem tax rate shall be allocated in full to the state. In the event of an adjustment of the combined state and local title ad valorem tax rate, by not later than August 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted combined state and local title ad valorem tax rate for the next calendar year. The effective date of such adjusted combined state and local title ad valorem tax rate shall be January 1 of the next calendar year. Notwithstanding the provisions of this division, the combined state and local title ad valorem tax rate shall not exceed 9 percent.

### **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.

# COUNTY AGENDA REQUEST

Page 121 of 144

Department: Legal

Presenter(s): Attorney Dennis Davenport

Meeting Date: Thursday, November 10, 2016

Type of Request: New Business #15

## Wording for the Agenda:

Consideration of the approval to present Resolution 2016-17; Disabled Veterans Homestead Exemption in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## Background/History/Details:

The proposed Legislative Package consists of Resolution 2016-17; Disabled Veterans Homestead Exemption; to provide a mechanism by which veterans disabled in the pursuit of their duties can recover any ad valorem property taxes they have paid upon their homestead since the date of their disability.

## What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2016-17; Disabled Veterans Homestead Exemption in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2016-\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REQUEST THAT THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA ENACT AN AMENDMENT TO O.C.G.A. § 48-5-48 TO PROVIDE A MECHANISM BY WHICH VETERANS DISABLED IN THE PURSUIT OF THEIR DUTIES CAN RECOVER ANY AD VALOREM PROPERTY TAXES THEY HAVE PAID UPON THEIR HOMESTEAD SINCE THE DATE OF THEIR DISABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, Title 48 of the Official Code of Georgia authorizes the County to assess taxes on property located within its territory to create a fund to provide for the function of its government and for the benefit of the residents of the County; and

**WHEREAS**, said title at Article 2 creates exemptions and deferrals of local property tax assessment for certain properties within the County; and

**WHEREAS**, the homesteads of disabled veterans are a kind of property that is exempt from assessment by the County, up to a maximum of \$50,000 of the value of the homestead; and

**WHEREAS**, a letter from the Department of Veterans Affairs or the Department of Veterans Services must be presented to the tax commissioner of the County by the disabled veteran to evidence a disability received in the line of duty; and

**WHEREAS**, the letter from the Department of Veterans Affairs or the Department of Veterans Services contains the date upon which the veteran was considered disabled and said date is at some point previous in time to the disabled veterans actual receipt of the letter; and

**WHEREAS**, the Board of Commissioners believes that disabled veterans should be exempted from assessment for ad valorem taxation, up to the maximum value of their homestead allowed under the law, from the time he or she was rendered disabled in the line of duty; and

**WHEREAS**, it is impossible for a disabled veteran to submit the letter from the Department of Veterans Affairs or Department of Veterans Services to qualify for the Disabled Veterans Homestead Exemption on the date of his disability; and

**WHEREAS**, the Board of Commissioners believes that to amend this time disparity, disabled veterans should be entitled to a refund for ad valorem taxes paid to the County, up to the maximum amount allowed on his or her homestead, for the years in which he or she paid ad valorem property tax on his or her homestead but was disabled according, to the Department of Veterans Affairs of Department of Veterans Services; and

**WHEREAS**, the Board of Commissioners therefore believes that, by amending O.C.G.A. § 48-5-48(d) to allow retroactive application of the Disabled Veterans Homestead Exemption, the County will be enabled to grant refunds of tax dollars paid by disabled veterans during the time of their disability and remain uniform in its assessment and exemption of the properties within the County of Fayette.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby requests that the General Assembly adopt legislation amending O.C.G.A. § 48-5-48(d) to permit retroactive application of the Disabled Veterans Homestead Exemption.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney



## A BILL TO BE ENTITLED

## AN ACT

To amend Title 48 of The Official Code of Georgia Annotated so as to provide retroactive application to a certain homestead exemption for disabled veterans and certain surviving family members; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended at Article 2, relating to Property Tax Exemptions and Deferral, at section 48 (pertaining to Homestead exemption by qualified disabled veteran: filing requirements; periodic substantiation of eligibility; persons eligible without application) by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Each disabled veteran shall file for the exemption only once in the county of his residence. Once filed, the exemption shall automatically be renewed from year to year, except as provided in subsection (e) of this Code section. Such exemption shall be applied, by the county of residence, retroactively to the date stated by the Department of Veterans Affairs or the Department of Veterans Services as the effective date of the veteran's disability, in the letter filed with the tax receiver or tax commissioner to evidence the qualifying disability. Such exemption shall be extended to the unremarried surviving spouse or minor children at the time of his death so long as they continue to occupy the home as a residence and homestead. In the event a disabled veteran who would otherwise be entitled to the exemption dies or becomes incapacitated to the extent that he or she cannot personally file for such exemption, the spouse,

the unremarried surviving spouse, or the minor children at the time of the disabled veteran's death may file for the exemption and such exemption may be granted as if the disabled veteran had made personal application therefor.

## Section 2

All laws or parts of laws in conflict with this act are repealed.

# COUNTY AGENDA REQUEST

Page 127 of 144

Department: Legal

Presenter(s): Attorney Dennis Davenport

Meeting Date: Thursday, November 10, 2016

Type of Request: New Business **#16**

## Wording for the Agenda:

Consideration of the approval to present Resolution 2016-18; Fluoride in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## Background/History/Details:

The proposed Legislative Package consists of Resolution 2016-18; Fluoride; to provide that communities may impose or remove fluoridation by referendum under certain circumstances.

The Board of Commissioners approved Resolution 2014-19; Resolution Requesting the Fayette County Legislative Delegation to Consider Offering Changes to the Statue Governing the Use of Fluoride in Drinking Water on December 11, 2014. Vice Chairman Ognio requested that this resolution be resubmitted for consideration.

## What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2016-18; Fluoride in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2016-\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REQUEST THAT THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA ENACT AN AMENDMENT TO O.C.G.A. § 12-5-175 TO PROVIDE THAT COMMUNITIES MAY IMPOSE OR REMOVE FLUORIDATION BY REFERENDUM UNDER CERTAIN CIRCUMSTANCES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, O.C.G.A. § 12-5-175(a) provides that the Board of Natural Resources for the State of Georgia has the power to require, by regulation, fluoridation of potable public water supplies in incorporated communities lying wholly within this state, provided that in no case should such fluoridation be required at a level greater than one part per million parts of water (hereinafter the “fluoridation requirements”); and

**WHEREAS**, said statute further provides that any municipality or county and its water system can remove themselves from the terms of said statute by referendum called by petition of 10 percent of the registered voters in such political subdivision who voted in the last general election; and

**WHEREAS**, the Board of Commissioners believes that communities should have the ability to opt out of the fluoridation requirements imposed by the Board of Natural Resources if that is the will of the electors in such communities; and

**WHEREAS**, the Board of Commissioners further believes that the aforementioned provision permitting a community to opt out of the fluoridation requirements upon a referendum called by a petition of 10 percent of the registered voters who voted in the last general election is too burdensome to adequately permit communities to submit the issue to the electors; and

**WHEREAS**, the Board of Commissioners note that certain other provisions of state law that require questions to be submitted to the electors through referenda permit a municipality or county to call for such referenda by resolution of the governing authority in the absence of a petition signed by a certain percentage of the electors; and

**WHEREAS**, the Board of Commissioners therefore believes that, by amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements, the General Assembly would be furthering the aims of democracy by removing obstacles to the electors' ability to decide whether or not such fluoridation requirements are appropriate for their communities.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby requests that the General Assembly adopt legislation amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements imposed by the Board of Natural Resources.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

# **EXHIBIT A**

## **RESOLUTION 2014-19**

**County of Fayette;  
State of Georgia**

**RESOLUTION 2014-19**

**RESOLUTION REQUESTING THE FAYETTE COUNTY  
LEGISLATIVE DELEGATION TO CONSIDER OFFERING  
CHANGES TO THE STATUE GOVERNING THE USE OF  
FLUORIDE IN DRINKING WATER**

- WHEREAS,** The Fayette County Board of Commissioners has held several public discussions pertaining to the use of fluoride in drinking water which is mandated by the State of Georgia; and
- WHEREAS,** Noting that a number of Western European countries have elected not to fluoridate their drinking water; nevertheless, there is little statistical difference in tooth decay numbers compared to the U.S. ; and
- WHEREAS,** Fluoride is classified as a drug that is subject to U.S. Food and Drug Administration regulation, and quantity of consumption cannot be accurately controlled, especially by young children; and
- WHEREAS,** Many are in agreement with Swedish Nobel Laureate and Professor of Pharmacology Arvid Carlsson that fluoride is readily available commercially in a multitude of products, so the government should not have to force fluoride on anyone; and
- WHEREAS,** The Centers for Disease Control and Prevention, October 22, 1999, stated that the predominate benefit from fluoride is through topical application and most fluoride is water ingested; and
- WHEREAS,** Many homeowners in Fayette County utilize well water that has no added fluoride and no evidence has yet to be provided where those drinking from a well have more tooth decay than those who do not; and
- WHEREAS,** In the existing statue, the petition requiring 10 percent of the registered voters from the previous general election to remove fluoride seems overly burdensome; and
- WHEREAS,** The Fayette County Board of Commissioners believes "home rule" is important and that the citizens should be allowed to control their own destiny, especially related to drugs or other substances added to their drinking water;

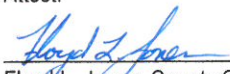
**BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby request that our county Legislative Delegation to act to remove the burden of the "petition of 10 percent of the registered voters in such political subdivision who voted in the last general election" from the existing statute and allow counties and cities who supply water to simply call for a referendum of their citizens.

So resolved this 11<sup>th</sup> day of December 2014, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

  
Steve Brown, Chairman

Attest:

  
Floyd L. Jones, County Clerk



## **EXHIBIT B**

### **HOUSE BILL 219**

# Georgia General Assembly

## 2015-2016 Regular Session - HB 129

### Public water systems; communities may impose or remove fluoridation by referendum under certain circumstances; provide

#### Sponsored By

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(1) Stover, David 71st  
(4) Pezold, John 133rd

(2) Spencer, Jason 180th  
(5) Turner, Scot 21st

(3) Caldwell, Michael 20th

#### Committees

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HC: [Governmental Affairs](#)

SC:

#### First Reader Summary

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A BILL to be entitled an Act to amend Code Section 12-5-175 of the Official Code of Georgia Annotated, relating to fluoridation of public water systems, state funds for cost of fluoridation equipment, chemicals, and materials, and tax deduction for fluoride-removing devices, so as to provide that communities may impose or remove fluoridation by referendum under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

#### Status History

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Jan/29/2015 - House Second Readers  
Jan/28/2015 - House First Readers  
Jan/27/2015 - House Hopper

#### Versions

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[LC 28 7366/a](#)

House Bill 129

By: Representatives Stover of the 71<sup>st</sup>, Spencer of the 180<sup>th</sup>, Caldwell of the 20<sup>th</sup>, Pezold of the 133<sup>rd</sup>, and Turner of the 21<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 12-5-175 of the Official Code of Georgia Annotated, relating to  
2 fluoridation of public water systems, state funds for cost of fluoridation equipment,  
3 chemicals, and materials, and tax deduction for fluoride-removing devices, so as to provide  
4 that communities may impose or remove fluoridation by referendum under certain  
5 circumstances; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-5-175 of the Official Code of Georgia Annotated, relating to fluoridation  
10 of public water systems, state funds for cost of fluoridation equipment, chemicals, and  
11 materials, and tax deduction for fluoride-removing devices, is amended by revising  
12 subsection (a) as follows:

13 "(a) The Board of Natural Resources shall have the power to require, by regulation,  
14 fluoridation of potable public water supplies in incorporated communities lying wholly  
15 within this state, provided that in no case should such fluoridation be required at a level  
16 greater than one part per million parts of water; provided, further, that any municipality or  
17 county and its water system can remove themselves from or include themselves under the  
18 terms of this part by referendum called by ~~petition of 10 percent of the registered voters in~~  
19 ~~such political subdivision who voted in the last general election~~ resolution of the governing  
20 authority of such municipality or county. ~~This applies to a referendum for or against~~  
21 ~~fluoridation.~~"

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.

# COUNTY AGENDA REQUEST

Page 136 of 144

Department: Legal

Presenter(s): Attorney Dennis Davenport

Meeting Date: Thursday, November 10, 2016

Type of Request: New Business #17

## Wording for the Agenda:

Consideration of the approval to present Resolution 2016-19; Local Residency Requirement in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## Background/History/Details:

The proposed Legislative Package consists of Resolution 2016-19; Local Residency Requirement; to amend the enabling legislation of the Board of Commissioners of Fayette County.

The residency issue refers to qualifications under state law. The state law and a red line version of the County's current enabling legislation is provided as backup to show how the new residency requirement would change.

## What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2016-19; Local Residency Requirement in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2016-\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO AMEND THE ENABLING LEGISLATION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY; TO REQUEST THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA TO PASS A LOCAL ACT PROVIDING FOR THE AFOREMENTIONED AMENDMENT; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, the Board of Commissioners for Fayette County was created by the General Assembly of Georgia pursuant to an Act approved on March 9, 1959 (Ga. L. 1959, pg. 2431, hereinafter the “Act”); and

**WHEREAS**, Section 3 of Article II of said Act establishes qualifications for any person seeking election as a member of the Board of Commissioners for Fayette County; and

**WHEREAS**, said Section 3 of Article II of the Act contains minimum qualifications that are inconsistent with the qualifications established by O.C.G.A. § 45-2-1, which establishes minimum qualifications for all persons seeking to hold any civil office in the State of Georgia; and

**WHEREAS**, in addition, O.C.G.A. § 45-2-1 was amended by the General Assembly during the 2016 legislative session to provide that the General Assembly may provide by local law for a period of district residency for candidates for any county governing authority who are elected from districts not to exceed 12 months residency within the district from which each such candidate seeks election; and

**WHEREAS**, a copy of said O.C.G.A. § 45-2-1, as so amended, is attached hereto as Exhibit “A” and made a part hereof by this reference; and

**WHEREAS**, the Board of Commissioners for Fayette County now requests that the General Assembly amend Section 3 of Article II of said Act to (1) remove any qualifications contained therein that are inconsistent with the qualifications for civil office provided by general state law; and (2) provide that any person seeking election as a member of the Board of Commissioners for Fayette County must have resided in the road district from which he or she offers for election at least 12 months immediately preceding the date of the election.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby request that the General Assembly adopt local legislation to amend the enabling legislation of the Board of Commissioners of Fayette County by deleting Section 3 of Article II of said Act, in its entirety, and by replacing it with a new Section 3 of Article II of said Act, to be read as follows:

Any person seeking election as a member of the board must satisfy the requirements of state law governing qualifications to hold civil office. In addition, any person seeking election as a member of the board must have resided in the road district from which he or she offers for election at least 12 months immediately preceding the date of the election.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_  
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

FAYETTE COUNTY.

No. \_\_ (House Resolution No. \_\_)

AN ACT

To amend an Act creating the Board of Commissioners for Fayette County, Georgia, approved March 9, 1959 (Ga. L. 1959, p. 2431), as amended, so as to revise the qualifications of persons seeking election as members of the Board of Commissioners of Fayette County; to provide for minimum qualifications consistent with general state law; to provide for minimum residency in the applicable road district; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating the Board of Commissioners for Fayette County, Georgia, approved March 9, 1959 (Ga. L. 1959, p. 2431), as amended, is amended by deleting Section 3 of Article II in its entirety and inserting in lieu thereof a new Section 3 to read as follows:

“SECTION 3.

Any person seeking election as a member of the board must satisfy the requirements of state law governing qualifications to hold civil office. In addition, any person seeking election as a member of the board must have resided in the road district from which he or she offers for election at least 12 months immediately preceding the date of the election.”



## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.

### Sec. 3. - Qualifications.

Any person ~~to be eligible to serve as~~seeking election as a member of the board must ~~be at least twenty-five years of age on the date of the election; must have resided in Fayette County at least two years immediately preceding the date of the election; must be a resident of the road district from which he offers for election; and must be qualified and registered to vote for members of the General Assembly~~satisfy the requirements of state law governing qualifications to hold civil office. In addition, any person seeking election as a member of the board must have resided in the road district from which he or she offers for election at least 12 months immediately preceding the date of the election.

West's Code of Georgia Annotated  
Title 45. Public Officers and Employees  
Chapter 2. Eligibility and Qualifications for Office (Refs & Annos)  
Article 1. General Provisions

Ga. Code Ann., § 45-2-1

§ 45-2-1. Persons ineligible; de facto officers

Effective: May 3, 2016

[Currentness](#)

The following persons are ineligible to hold any civil office; and the existence of any of the following facts shall be a sufficient reason for vacating any office held by such person; but the acts of such person, while holding a commission, shall be valid as the acts of an officer de facto, namely:

(1) Persons who are not citizens of this state and persons under the age of 21 years; provided, however, that upon passage of appropriate local ordinances, citizens of this state who are otherwise qualified and who have attained 18 years of age shall be eligible to hold any county or municipal office, except such offices of a judicial nature. The residency requirement for a candidate for any county office, except offices of a judicial nature, shall be 12 months residency within the county. The residency requirement for a candidate for any municipal office, except offices of a judicial nature, shall be 12 months residency within the municipality; provided, however, that municipalities may by charter provide for lesser residency requirements for candidates for municipal office, except offices of a judicial nature. Notwithstanding anything in this paragraph to the contrary, the General Assembly may provide by local law for a period of district residency for candidates for any county or municipal governing authority or board of education who are elected from districts not to exceed 12 months residency within the district from which each such candidate seeks election. Any local law previously enacted by the General Assembly providing for a period of district residency for candidates for county or municipal office which does not exceed 12 months shall be granted full force and effect;

(2) All holders or receivers of public money of this state or any county thereof who have refused or failed when called upon after reasonable opportunity to account for and pay over the same to the proper officer;

(3) Any person finally convicted and sentenced for any felony involving moral turpitude under the laws of this or any other state when the offense is also a felony in this state, unless restored to all his rights of citizenship by a pardon from the State Board of Pardons and Paroles;

(4) Persons holding any office of profit or trust under the government of the United States other than that of postmaster and officers and enlisted men of the reserve components of the armed forces of the United States, or of either of the several states, or of any foreign state; provided, however, that without prejudice to his right to hold public office, any person may accept appointment to, and may receive his expenses and compensation arising from, membership upon any commission, board, panel, or other fact-finding or policy-making agency appointed by the President of the United States or other federal authority, where such appointment is of a temporary nature and the duties are not such as to interfere materially with the person's duties as a public officer. Acceptance of such an appointment and receipt of the emoluments therefrom shall not bar the right of any person to hold office in this state or to accede to a state office;

(5) Persons of unsound mind and persons who, from advanced age or bodily infirmity, are unfit to discharge the duties of the office to which they are chosen or appointed;

(6) Those persons who have not been inhabitants of the state, county, district, or circuit for the period required by the Constitution and laws of this state;

(7) A person who has not been a bona fide citizen of the county in which that person shall be elected or appointed at least 12 months prior to that person's election or appointment and who is not a qualified voter entitled to vote; provided, however, that no prior state or county residency requirement shall be applicable to any appointed local superintendent of schools; or

(8) All persons who are constitutionally disqualified for any cause. All officers are eligible for reelection and reappointment and to hold other offices, unless expressly declared to the contrary by the Constitution or laws of Georgia.

#### Credits

Laws 1787, Cobb's 1851 Digest, p. 366; Laws 1823, Cobb's 1851 Digest, p. 209; Laws 1900, p. 42, § 1; Laws 1925, p. 77, § 1; Laws 1931, p. 126, § 1; Laws 1972, p. 868, § 1; Laws 1976, p. 464, §§ 1, 2; Laws 1982, p. 3, § 45; Laws 1987, p. 3, § 45; Laws 1988, p. 930, § 1; Laws 1989, p. 596, § 1; Laws 1992, p. 1138, § 1; Laws 1993, p. 1279, § 15; [Laws 2016, Act 347, § 12, eff. April 26, 2016](#); [Laws 2016, Act 601, § 1, eff. May 3, 2016](#).

**Formerly** Code 1863, § 125; Code 1868, § 120; Code 1873, § 129; Code 1882, § 129; Civil Code 1895, § 223; Civil Code 1910, § 258; Code 1933, § 89-101.

#### [Notes of Decisions \(65\)](#)

Ga. Code Ann., § 45-2-1, GA ST § 45-2-1

The statutes and Constitution are current with legislation passed during the 2016 Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.